

# SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1952

No. 700

UNITED STATES OF AMERICA, APPELLANT

vs.

ROBERT M. HARRISS, RALPH W. MOORE, TOM LINDER  
AND NATIONAL FARM COMMITTEE

APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF COLUMBIA

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I

BLEED THROUGH

A [Caption omitted.]

1 In the United States District Court for the District of  
Columbia

----- Term A. D. 1949

Criminal Action No. 1212-49

THE UNITED STATES OF AMERICA

v.

ROBERT M. HARRISS, RALPH W. MOORE, JAMES E. McDONALD, TOM  
LINDER, AND NATIONAL FARM COMMITTEE

[File endorsement omitted.]

*Information*

Filed August 31, 1949

UNITED STATES OF AMERICA,

*The District of Columbia, ss:*

The United States Attorney in and for the District of Columbia,  
charges:

COUNT I

1. That Robert M. Harriss who is hereby charged and made a defendant herein, is a partner in the firm of Harris and Vose, commodity brokers, located in the City of New York, and that at all times material herein said Harris and said firm were engaged in the business of trading in, dealing in, and buying and selling futures contracts for the purchase and sale of divers agricultural commodities and farm products as brokers, for the personal account of said Harris, and for the account of the said firm of Harris and Vose, and for the accounts of divers other persons; and that the said Harriss had, at all times material herein, a personal financial interest in maintaining and increasing the market prices of such agricultural commodities and commodity futures.

2. That Tom Linder, of Atlanta, Georgia, who is hereby charged and made a defendant herein, was, between August 2, 1946, and the date of the filing and lodging of this information, an official, to wit, the Commissioner of Agriculture, of the State of  
2 Georgia and that during this time he had in his private capacity a personal financial interest in the buying and selling of divers futures contracts for agricultural commodities and farm products for his private gain and profit, all of which

trading in said contracts was carried on by said Linder wholly outside of and apart from his official capacity as such Commissioner of Agriculture.

3. That James E. McDonald, of Austin, Texas, who is hereby charged and made a defendant herein, was, between August 2, 1946, and the date of the filing and lodging of this information, an official, to wit, the Commissioner of Agriculture, of the State of Texas and, that during this time he had in his private capacity a personal financial interest in the buying and selling of divers futures contracts for agricultural commodities and farm products for his private gain and profit, all of which trading in futures contracts was carried on by the said McDonald wholly outside of and apart from his official capacity as such Commissioner.

4. That Ralph W. Moore of Washington, District of Columbia, who is hereby charged and named as a defendant herein was, between August 2, 1946, and the date of the filing and lodging of this information, engaged in buying and selling, for his personal profit and gain, divers futures contracts for agricultural commodities and farm products, and that he maintained offices in Washington, District of Columbia, throughout that time.

5. That the said Ralph W. Moore, between August 2, 1946, and the date of the filing and lodging of this information, received contributions, considerations and advances of money and expended money, said receipts were to be and were used and expenditures were to be and were made principally to aid in influencing and attempting to influence, directly and indirectly, the passage and defeat of legislation, and other legislative actions and activities, by the Congress of the United States which would benefit the defendants in their market activities.

6. That between August 2, 1946, and the date of the filing and lodging of this information, the Association, The Southern Commissioners of Agriculture, was an unincorporated association, and included among others the defendants Tom Linder and James E. McDonald as members thereof; and that from on or about November 1, 1947, the Farm Commissioners Council was an

3 unincorporated association which included, among others, the said defendants Tom Linder and James E. McDonald as members thereof; and that between August 2, 1946 and the date of the filing and lodging of this information, the National Farm Committee was a Texas corporation and included among others the defendants Tom Linder and Ralph W. Moore as officers thereof, and the defendants James E. McDonald, Tom Linder and Ralph W. Moore as directors thereof; and that the aforesaid organizations by reason of the status of each of them as organizations ostensibly engaged in activities designed and intended to further and protect the interests of persons engaged in raising



and producing agricultural products, were to be and were operated, used and employed by the defendants herein to implement and to cloak the execution of defendants' plans, schemes and designs to influence directly and indirectly the passage and defeat of legislation, favorable to the defendants' personal financial interests, and to influence directly and indirectly other legislative activities of the Congress; and all of this when, as the defendants well knew and intended, the members of the Congress would not know that such activities, plans, schemes and designs of the defendants and such use and employment of these several organizations were in fact based upon and in pursuance of the defendants' purpose to advance their personal financial interests; and, as to the defendants Tom Linder and James E. McDonald, that the members of the Congress would be unaware that they were acting outside of and apart from their capacities as state officials instead of making unbiased efforts to further the interests of persons engaged in agricultural pursuits and of other members of the public.

7. That from and after August 2, 1946, under the provisions of the Act of August 2, 1946 (60 Stat. 840) known as the Federal Regulation of Lobbying Act, it has been the duty of all persons engaging for pay or for any consideration for the purpose of attempting to influence the passage or defeat of any legislation by the Congress of the United States, before doing anything in furtherance of such purposes, to register with the Clerk of the House of Representatives of the United States and with the Secretary

of the Senate, giving those officers in writing and under oath

4 the name and address of such individual, partnership, committee, association, corporation, or other organization or group of persons and also the name of the employer in whose interest such employment is performed, the duration of such employment, the amount received and to be received from such employer, the amount to be paid for expenses in the course of such employment and what expenses are to be included; and that the said Clerk and Secretary are required to compile such registrations, and cause the same to be printed in the Congressional Record in order that the members of the said House of Representatives and of the said Senate should, in the course of their legislative duties, be duly and accurately advised and informed as to the matters and things concerning which said registrations were so required to be made by Section 308 of the Federal Regulation of Lobbying Act.

8. That from and after August 2, 1946, under the provisions of the Federal Regulation of Lobbying Act it has been the duty of every person receiving any contributions or expending any money, for the purpose of influencing directly or indirectly the passage or defeat of any legislation by the Congress of the United States, to file with the Clerk of the House of Representatives between

the first and tenth day of each calendar quarter a statement under oath containing complete, as of the day next preceding the date of filing, information relating to the aggregate amount of contributions, names of contributors, names and addresses of persons to whom expenditures have been made and aggregate amounts of expenditures as prescribed in Section 305 of the said Federal Regulation of Lobbying Act; and that the said Clerk was required to preserve the filings for a period of two years and to maintain them for public inspection, in order that the members of the Congress should, in the course of their legislative duties, be duly and accurately advised and informed as to the matters and things concerning which said filings were so required to be made.

9. That during the period from August 2, 1946, and continuing thereafter to the date of the filing and lodging of this information, the defendant Ralph W. Moore engaged himself for pay and  
5 for other consideration on behalf of Robert M. Harriss for the purpose of attempting to influence, directly and indirectly, (a) the passage of legislation by the Congress of the United States which would cause a rise in the prices of agricultural commodities and commodity futures and (b) the defeat of legislation by the Congress of the United States which would cause a decline of prices of agricultural commodities and commodity futures.

10. That the defendant Ralph W. Moore on divers dates between August 2, 1946, and the date of the filing and lodging of this information, received money and other things of value from the defendant Robert M. Harriss to be used principally to aid in the passage and defeat of the aforesaid legislation and more particularly, that during this period the defendant Ralph W. Moore received payments of money and grants of loans from said Robert M. Harriss, and had financed and guaranteed for his, the said Ralph W. Moore's benefit, by the said Robert M. Harriss, commodity trading accounts with the brokerage firm of Harriss and Vose.

11. That beginning on August 2, 1946, and continuing thereafter until on or about March 1, 1948, the defendant Ralph W. Moore, in furtherance of the objects and purposes for which he had theretofore received money and other things of value from the defendant Robert M. Harriss to be used principally to aid in the passage and defeat of legislation as averred in paragraph 8 of this count of this information and to accomplish the same, did the following:

(a) That beginning on August 2, 1946, and continuing to on or about March 1, 1948, the defendant Ralph W. Moore, procured the Association, Southern Commissioners of Agriculture, and the Farm Commissioners Council to attempt to influence legislation

by the Congress of the United States relating to (1) parity on farm prices, (2) repeal of the oleomargarine tax, and (3) the President's program for legislation providing for an increase in commodity trading margins.

6 (b) That on or about the month of July 1947, the defendant Ralph W. Moore, procured one Scott Stevens McCloskey to urge, by writing statements which were presented to committees of the Congress of the United States and to members of Congress, urging the passage of the Case Bill and other Bills which would enhance prices of farm commodities.

(c) Paid the cost of a dinner held at the Raleigh Hotel, Washington, D. C., on or about February 4, 1947, in the name of North Central States Association of Commissioners, Secretaries and Directors of Agriculture, at which dinner a large number of members of Congress were present, and at which speeches and statements were made concerning legislation by Congress.

(d) Paid the cost of a dinner held at the Mayflower Hotel, Washington, D. C., on or about November 24, 1947, in the name of Farm Commissioners Council, at which dinner a large number of members of Congress were present, and at which speeches and statements were made concerning legislation by Congress.

(e) That on or about November 24, 1947, the defendant Ralph W. Moore, procured the Mayflower Hotel, Washington, D. C., to schedule a dinner held at said hotel under the designation "Farm Commissioners Council," and paid the cost of said dinner, at which dinner speeches and statements were made in the presence of a large number of members of the Congress of the United States concerning legislation by the Congress of the United States relating to farm commodities.

7 (f) On or about November 28, 1947, the defendant Ralph W. Moore, procured one Dr. Clair to write up material for the Association, Southern Commissioners of Agriculture, to be presented to the Congress of the United States and its committees relative to legislative matters affecting the price of farm commodities and the defendant Moore paid the said Dr. Clair, for said services.

(g) On or about February 5, 1948, the defendant Ralph W. Moore, procured one Scott Stevens McCloskey to write letters to Grange officers in the Pacific northwest, urging them to write and wire their Congressmen to put peas in the program for foodstuffs to be sent to Europe under the European Recovery Program.

(h) The defendant Ralph W. Moore procured one Carl H. Wilken to appear before committees of the Congress of the United States urging the legislative action regarding farm commodities which the defendants desired.

(i) The defendant Ralph W. Moore procured one Carl H. Wilken to testify before the House Agriculture Committee, of the Congress of the United States, on or about May 8, 1947, and urge defeat of legislation which would tend to cause lower prices of agricultural commodities.

(j) The defendant Ralph W. Moore procured one Carl H. Wilken to testify before the House Ways and Means Committee, of the Congress of the United States, on or about April 9, 1947, concerning proposed legislation respecting reciprocal trade agreements program and urged defeat of any legislation which would tend to cause lower prices of farm commodities.

12. That on or about March 1, 1948, at and in the District of Columbia of the United States and within the jurisdiction of this Court, the defendant Ralph W. Moore, being then and there a person who, under the facts alleged above and the provisions of Section 308 of the Federal Regulation of Lobbying Act (Act of August 2, 1946, 60 Stat. 840), was required, before the doing of the acts and things enumerated in paragraph 9 of this Information, to register with the Clerk of the House of Representatives and the Secretary of the Senate, both of the Congress of the United States, and to give to those officers in writing and under oath the information required by said section 308, did then and there unlawfully, wilfully and knowingly fail to register with the Clerk of the House of Representatives and the Secretary of the Senate, both of the Congress of the United States.

Contrary to the form of the statute in such case made and provided and against the peace and dignity of the United States, in violation of Section 308 of said the Federal Regulation of Lobbying Act.

Violation of Section 308 of the Federal Regulation of Lobbying Act (Act of August 2, 1946, 60 Stat. 840).

## COUNT II

The United States Attorney in and for the District of Columbia of the United States, charges:

1. All of the allegations contained in paragraphs 1, 2, 3, 4, 5, 6, 7 and 8, of Count I of this information are hereby incorporated in this count of this information by reference thereto and realleged herein as fully and effectually as if the same were here repeated in full.

2. That the defendant Ralph W. Moore on divers dates between July 1, 1946, and the date of the filing and lodging of this information, expended money principally to aid in influencing, directly and indirectly, (a) the passage of legislation by the Congress of the United States which would cause a rise in the price of agri-

cultural commodities and commodity futures and (b) the defeat of legislation by the Congress of the United States which would cause a decline of prices of agricultural commodities and commodity futures.

3. That for the purpose of influencing and attempting to influence the aforesaid legislation by the Congress of the United States, the defendant Ralph W. Moore, between August 2, 1946, and the date of the filing and lodging of this information, paid money to, financed and sponsored activities of, the Association, The Southern Commissioners of Agriculture, an unincorporated association, which, from August 2, 1946, to the date of the filing and lodging of this information, has had as its principal purpose the influencing, directly and indirectly, of legislation by the Congress of the United States affecting agriculture.

4. That for the further purpose of influencing the aforesaid legislation by the Congress of the United States, the defendant Ralph W. Moore, between August 2, 1946, and the date of the filing and lodging of this information, paid money to, financed and sponsored activities of, the Farm Commissioners Council, an unincorporated association which during a period between on or about August 1, 1946, and continuing to the date of the filing and lodging of this information, has had as its principal purpose the influencing, directly and indirectly, of legislation by the Congress of the United States affecting agriculture.

5. That for the further purpose of influencing the aforesaid legislation by the Congress of the United States, the defendant Ralph W. Moore, between August 2, 1946, and the date of the filing and lodging of this information, paid money to, financed and sponsored activities of, the North Central States Association of Commissioners, Secretaries and Directors of Agriculture, an unincorporated association which, from August 2, 1946, to the date of the filing and lodging of this information, has had as its principal purpose the influencing, directly and indirectly, of legislation by the Congress of the United States affecting agriculture.

6. That for the further purpose of influencing the aforesaid legislation by the Congress of the United States, the defendant Ralph W. Moore, between August 2, 1946, and the date of the filing and lodging of this information, procured the services of James E. McDonald by financing commodity trading accounts for the benefit of the said McDonald with the brokerage firms of Merrill Lynch, Pierce, Fenner and Beane, and Harriss and Vose.

7. That for the further purpose of influencing the aforesaid legislation by the Congress of the United States, the defendant Ralph W. Moore, between August 2, 1946, and the date of the filing and lodging of this information, procured the services of Tom Linder by payments of money to the aforesaid Linder and

by financing commodity trading accounts for the benefit of the said Linder with the brokerage firm of Harriss and Vose.

10 8. That for the further purpose of influencing the aforesaid legislation by the Congress of the United States, the defendant Ralph W. Moore, between August 2, 1946, and the date of the filing and lodging of this information, procured the services of one Carl H. Wilken, of Washington, D. C., by payments of money to the said Wilken and by financing commodity trading accounts for the benefit of the said Wilken with the brokerage firm of Merrill, Lynch, Pierce, Fenner and Beane.

9. That for the further purpose of influencing the aforesaid legislation by the Congress of the United States, the defendant Ralph W. Moore, between August 2, 1946, and on or about September 15, 1946, procured the services of one Scott Stevens McCloskey, of Washington, D. C., by payments of money to the said McCloskey.

10. That during the third quarter (July, August, and September) of the year 1946, the defendant Ralph W. Moore for the purposes of influencing and attempting to influence the aforesaid legislation by the Congress of the United States, on or about the dates, in the amounts and to the persons, firms, associations and corporations, set out below, made the following expenditures:

(a) On or about July 1, 1946, to the defendant Tom Linder the sum and amount of \$750.00, from secret account No. 145, at the brokerage firm of Harriss and Vose, New York, N. Y.

(b) On or about September 15, 1946, to one Scott Stevens McCloskey, the sum and amount of \$250.00.

(c) On or about September 9, 1946, to the defendant Tom Linder the sum and amount of \$1,500.00 through the brokerage firm of Harriss and Vose, New York, N. Y.

11. That at no time between the first and tenth days of October, 1946, did the defendant Ralph W. Moore file with the Clerk of the House of Representatives of the Congress of the United States covering the period embracing the third quarter (July, August, and September) of the year 1946 and any of the days of said period from the first to the tenth of October 1946, a statement

setting out and furnishing the information required by section 305 of the Federal Regulation of Lobbying Act (Act of August 2, 1946, 60 Stat. 840), concerning the expenditures made by him principally to aid in influencing legislation by the Congress of the United States as previously alleged in this court, whereby; the said defendant Ralph W. Moore, on or about the 10th day of October 1946, at and in the District of Columbia of the United States and within the jurisdiction of this Court, having, during said third quarter of the year 1946, made the expenditures set out in paragraph 9 of this count of this in-

formation for the purposes principally to aid in influencing and attempting to influence aforesaid legislation by the Congress of the United States, unlawfully, wilfully and knowingly failed to file a statement with the Clerk of the House of Representatives of the Congress of the United States setting forth the information required to be filed by him by the provisions of said section 305 of said Federal Regulation of Lobbying Act.

Contrary to the form of the statute in such cases made and provided and against the peace and dignity of the United States of America.

Violation of Section 305, Federal Regulation of Lobbying Act (Act of August 2, 1946, 60 Stat. 840).

### COUNT III

The United States Attorney for the District of Columbia of the United States, charges:

1. All of the allegations contained in paragraphs 1, 2, 3, 4, 5, 6, 7, and 8 of Count I of and in paragraphs 2, 3, 4, 5, 6, 7, and 8 of Count II of this information are hereby incorporated in this count of this information by reference thereto and realleged herein as fully and effectually as if the same were here repeated in full.

2. That during the first quarter (January, February, and March) of the year 1947, the defendant Ralph W. Moore for the purpose of influencing and attempting to influence the aforesaid legislation by the Congress of the United States, on or about the dates, in the amounts and to the persons, firms, associations and corporations, set out below, made the following expenditures:

(a) On or about February 4, 1947, Mayflower Hotel, for dinner, \$1,100.00.

3. That at no time between the first and tenth days of April 1947, did the defendant Ralph W. Moore, file with the Clerk of the House of Representatives of the Congress of the United States covering the period embracing the first quarter (January, February, and March) of the year 1947 and any of the days of said period from the first to the tenth of April 1947, a statement setting out and furnishing the information required by section 305 of the Federal Regulation of Lobbying Act (Act of August 2, 1946, 60 Stat. 840), concerning the expenditures made by him principally to aid in influencing the aforesaid legislation by the Congress of the United States as previously alleged in this count, whereby; the said defendant, Ralph W. Moore, on or about the 10th day of April 1947, at and in the District of Columbia of the United States and within the jurisdiction of this court, having, during said first quarter of the year 1947, made the expenditures set out in para-



graph 2 of this count of this information for the purposes principally to aid in influencing and attempting to influence the aforesaid legislation by the Congress of the United States, unlawfully, wilfully and knowingly failed to file a statement with the Clerk of the House of Representatives of the Congress of the United States setting forth the information required to be filed by him by the provisions of said section 305 of the said Federal Regulation of Lobbying Act.

Contrary to the form of the statutes in such cases made and provided and against the peace and dignity of the United States of America.

Violation of Section 305, Federal Regulation of Lobbying Act (Act of August 2, 1946, 60 Stat. 840).

#### COUNT IV

The United States Attorney in and for the District of Columbia of the United States, charges:

1. All of the allegations contained in paragraphs 1, 2, 3, 13 4, 5, 6, 7, and 8 of Count I, and in paragraphs 2, 3, 4, 5, 6, 7, and 8 of Count II of this information are hereby incorporated in this count of this information by reference thereto and realleged herein as fully and effectually as if the same were here repeated in full.

2. That during the third quarter (July, August, and September) of the year 1947, the defendant Ralph W. Moore for the purposes of influencing and attempting to influence the aforesaid legislation by the Congress of the United States, on or about the dates, in the amounts and to the persons, firms, associations and corporations, set out below, made the following expenditures:

(a) On or about September 16, 1947, to one Ruth Aspinwall, of Washington, D. C., by depositing the sum and amount of \$3,600 in the account of said Ruth Aspinwall at the brokerage firm of Laidlaw & Company.

(b) On or about September 10, 1947, to James E. McDonald, by depositing the sum and amount of \$3,000 in the account of James E. McDonald at the brokerage firm of Merrill, Lynch, Pierce, Fenner and Beane.

(c) On or about September 17, 1947, to Harlod B. McDonald, of the State of Texas, by depositing \$4,500 in an account in the name of Harold B. McDonald at the brokerage firm of Merrill, Lynch, Pierce, Fenner and Beane, which the defendant had opened at said firm without the knowledge of the said Harold B. McDonald.

3. That at no time between the first and tenth days of October 1947, did the defendant Ralph W. Moore file with the Clerk of



the House of Representatives of the Congress of the United States covering the period embracing the third quarter (July, August, and September) of the year 1947 and any of the days of said period from the first to the tenth of October 1947, a statement setting out and furnishing the information required by Section 305 of the Federal Regulation of Lobbying Act (Act of August 2, 1946, 60 Stat. 840), concerning the expenditures made  
14 by him principally to aid in influencing legislation by the Congress of the United States as previously alleged in this count, whereby; the said defendant, Ralph W. Moore, on or about the 10th day of October 1947, at and in the District of Columbia of the United States and within the jurisdiction of this court, having, during said third quarter of the year 1947, made the expenditures set out in paragraph 2 of this count for the purposes principally to aid in influencing and attempting to influence the aforesaid legislation by the Congress of the United States, unlawfully, wilfully and knowingly failed to file a statement with the Clerk of the House of Representatives of the Congress of the United States setting forth the information required to be filed by him by the provision of said section 305 of the said Federal Regulation of Lobbying Act.

Contrary to the form of the statute in such cases made and provided and against the peace and dignity of the United States of America.

Violation of Section 305, Federal Regulation of Lobbying Act (Act of August 2, 1946, 60 Stat. 840).

#### COUNT V

The United States Attorney in and for the District of Columbia of the United States, charges:

1. All of the allegations contained in paragraphs 1, 2, 3, 4, 5, 6, 7, and 8 of Count I and in paragraphs 2, 3, 4, 5, 6, 7, and 8 of Count II of this information are hereby incorporated in this count of this information by reference thereto and realleged herein as fully and effectually as if the same were repeated here in full.

2. That during the fourth quarter (October, November, and December) of the year 1947, the defendant Ralph W. Moore for the purposes of influencing and attempting to influence the aforesaid legislation by the Congress of the United States, on or about the dates, in the amounts and to the persons, firms, associations, and corporations, set out below, made the following expenditures:

(a) On or about November 7, 1947, to one C. C. Hanson, at Washington D. C., in the sum and amount of \$46.21 for  
15 the services of said Hanson in mimeographing 25 copies

of a document sent to R. M. Harriss, New York at the request of the defendant James E. McDonald.

(b) On or about November 20, 1947, to one C. C. Hanson, at Washington, D. C., in the sum and amount of \$63.05 for the services of said Hanson in preparing and sending out a press release on behalf of the Association, Southern Commissioners and Directors of Agriculture, in which a hearing was requested before the Senate Committee on Agriculture on the proposed legislation which the President mentioned in his State message on January 17, 1947.

(c) On or about November 20, 1947, to one C. C. Hanson, at Washington, D. C., in the sum and amount of \$33.92 for the services of said Hanson, in preparing and sending out a press release, 50 copies of which the said Hanson delivered at the National Press Club.

(d) On or about December 4, 1947, to the Mayflower Hotel, Washington, D. C., the sum and amount of \$1,589.98 which amount was credited to the defendant Moore's account at said hotel against a charge therein entered for 293 dinners on November 24, 1947.

(e) On or about December 31, 1947, to the Mayflower Hotel, Washington, D. C., the sum and amount of \$4,356.01 which amount was credited to the defendant Moore's account at said hotel against the balance of the charge for 293 dinners on November 24, 1947, and other items.

(f) On or about December 15, 1947, to one C. C. Hanson, Washington, D. C., the sum and amount of \$500, in payment of an expense account of the said Hanson.

(g) On or about December 19, 1947, to one C. C. Hanson, Washington, D. C., the sum and amount of \$459.36 in payment  
16 of an expense account of the said Hanson.

(h) On or about December 18, 1947, to one C. C. Hanson, Washington, D. C., the sum and amount of \$77.73 for the services of said Hanson in preparing a document to President Wilson of the Association of Southern Commissioners and Directors of Agriculture.

(i) On or about December 18, 1947, to one C. C. Hanson, Washington, D. C., the sum and amount of \$52.76 for the services of the said Hanson in preparing and sending out a Farm Commissioners press release stating that nearly 200 members of Congress had accepted invitations to the dinner sponsored by the Farm Commissioners Council.

(j) On or about December 18, 1947, to one C. C. Hanson, Washington, D. C., the sum and amount of \$205.61 for the service of said Hanson on press releases in one of which the defendant James E. McDonald stated that he had found the President's proposal unsound.

(k) On or about December 18, 1947, to one C. C. Hanson, Washington, D. C., the sum and amount of \$94.00 for the services of said Hanson in respect to a news item in the Washington Post, 531 copies of which were sent to members of Congress.

(l) On or about December 18, 1947, to one C. C. Hanson, Washington, D. C., the sum and amount of \$197.34 for the services of said Hanson in preparing 1600 copies of a statement made by the defendant Tom Linder before the Senate Committee on Agriculture.

(m) On or about December 18, 1947, to one C. C. Hanson, Washington, D. C., the sum and amount of \$100 to compensate one Dr. Clair, for work on a press release.

(n) On or about June 1947, to one C. H. Wilken, Washington, D. C., the sum and amount of \$1,000.

17 (o) During said quarter the defendant loaned to one C. H. Wilken, the sum and amount of \$5,750.

3. That at no time between the first and tenth days of January, 1948, did the defendant Ralph W. Moore file with the Clerk of the House of Representatives of the Congress of the United States covering the period embracing the fourth quarter (October, November, and December) of the year 1947 and any of the days of said period from the first to the tenth of January 1948, a statement setting out and furnishing the information required by section 305 of the Federal Regulation of Lobbying Act (Act of August 2, 1946, 60 Stat. 840), concerning the expenditures made by him principally to aid in influencing legislation by the Congress of the United States as previously alleged in this count, whereby; the said defendant, Ralph W. Moore, on or about the 10th day of January 1948, at and in the District of Columbia of the United States and within the jurisdiction of this court, having, during said fourth quarter of the year 1947, made the expenditures set out in paragraph 2 of this count of this information for the purpose principally to aid in influencing and attempting to influence the aforesaid legislation by the Congress of the United States, unlawfully, wilfully and knowingly failed to file a statement with the Clerk of the House of Representatives of the Congress of the United States setting forth the information required to be filed by him by the provisions of said section 305 of said the Federal Regulation of Lobbying Act.

Contrary to the form of the statute in such cases made and provided and against the peace and dignity of the United States of America.

Violation of Section 305, Federal Regulation of Lobbying Act (Act of August 2, 1946, 60 Stat. 840).

## COUNT VI

The United States Attorney for the District of Columbia of the United States, charges:

1. All of the allegations contained in paragraphs 1, 2, 3, 18 4, 5, 6, 7, and 8, of Count I of this information are hereby incorporated in this count of this information by reference thereto and realleged herein as fully and effectually as if the same were here repeated in full.

2. That the defendant Robert M. Harriss on divers dates between August 2, 1946 and the date of the filing and lodging of this information, expended money principally to aid in influencing, directly and indirectly, (a) the passage of legislation by the Congress of the United States which would cause a rise in the price of agricultural commodities and commodity futures and (b) the defeat of legislation by the Congress of the United States which would cause a decline of prices of agricultural commodities and commodity futures.

3. That for the purpose of influencing the aforesaid legislation by the Congress of the United States, the defendant Robert M. Harriss, between August 2, 1946 and the date of the filing and lodging of this information, procured the services of the defendant Ralph W. Moore by making loans to the said Moore and by financing and guaranteeing commodity trading accounts for the benefit of the said Moore with the brokerage firm of Harriss and Vose.

4. That for the further purpose of influencing the aforesaid legislation by the Congress of the United States, the defendant Robert M. Harriss, between August 2, 1946, and the date of the filing and lodging of this information, procured the services of the defendant James E. McDonald by making payments of money to the said McDonald and by financing and depositing money in commodity trading accounts for the benefit of the said McDonald with the brokerage firm of Harriss and Vose.

5. That for the further purpose of influencing the aforesaid legislation by the Congress of the United States, the defendant Robert M. Harriss, between August 2, 1946, and the date of the filing and lodging of this information, procured the services of the defendant Tom Linder by making payments of money to the said Linder and by financing and depositing money in commodity trading accounts for the benefit of the said Linder with the brokerage firm of Harriss and Vose.

19 6. That during that part of the calendar year 1946, embraced within the first, second, and third quarters (months of January to September, inclusive) both before and subsequent to the effective date of the Federal Regulation of Lobbying Act

(Act of August 2, 1946, 60 Stat. 840), the defendant Robert M. Harriss for the purposes of influencing and attempting to influence the aforesaid legislation by the Congress of the United States, on or about the dates, in the amounts and to the persons, firms, associations and corporations, set out below, made the following expenditures:

(a) March 20, 1946, by check to "JEM," the sum and amount of \$1,395.00, disbursed from account No. 124, of the defendant Robert M. Harriss at the brokerage firm of Harriss and Vose, New York.

(b) March 22, 1946, to C. C. Hanson, the sum and amount of \$250.00.

(c) June 17, 1946, to Tom Linder, the sum and amount of \$500.00, disbursed by personal check of the defendant Robert M. Harriss.

(d) June 21, 1946, to Lois Moore, the sum and amount of \$500.00, from the account of the defendant Robert M. Harriss at the brokerage firm of Harriss and Vose.

(e) July 1, 1946, to the defendant Tom Linder, the sum and amount of \$750.00, disbursed from account No. 145 of the defendant Robert M. Harris at the brokerage firm of Harriss and Vose.

(f) July 14, 1946, to the defendant Tom Linder, the sum and amount of \$250.00, for expenses.

(g) July 15, 1946, to Matt Dahl, the sum and amount of \$250.00, for traveling expenses. This item was paid by a cashier's check of the National City Bank, New York, purchased by Harriss and Vose.

(h) August 5, 1946, to National Farm Committee, the sum and amount of \$1,000.00. This item was paid by a cashier's  
20 check of the National City Bank of New York.

(i) September 9, 1946, to the defendant Tom Linder, the sum and amount of \$1,500.00, out of account No. 144 at the brokerage firm of Harriss and Vose, at which time there was no money in said account.

(j) September 18, 1946, to Richard Tullis, an officer of the National Farm Committee, the sum and amount of \$2,500.00, paid from account No. 144 in the name of the defendant Robert M. Harriss at the brokerage firm of Harriss and Vose.

(k) September 24, 1946, to C. C. Hanson, in the sum and amount of \$250.00.

7. That at no time between the first and the tenth days of October 1946, did the defendant Robert M. Harriss file with the Clerk of the House of Representatives of the Congress of the United States covering the period embracing the calendar year 1946 down to and including September 30, 1946 and any of the days of said period from the first to the tenth of October 1946, a statement

setting out and furnishing the information required by section 305 of the Federal Regulation of Lobbying Act (Act of August 2, 1946, 60 Stat. 840), concerning the expenditures made by him principally to aid in influencing legislation by the Congress of the United States as previously alleged in this count, whereby; the said defendant, Robert M. Harriss, on or about the 10th day of October 1946, at and in the District of Columbia of the United States and within the jurisdiction of this court, having, during said part of the year 1946 to and including September 30, 1946, made the expenditures set out in paragraph 6 of this count of this information for the purpose principally to aid in influencing and attempting to influence the aforesaid legislation by the Congress of the United States, unlawfully, wilfully and knowingly failed to file a statement with the Clerk of the House of Representatives of the Congress of the United States setting forth the information required to be filed by him by the provisions of section 305 of said Federal Regulation of Lobbying Act (Act of August 2, 1946, 60 Stat. 840).

21 Contrary to the form of the statute in such cases made and provided and against the peace and dignity of the United States of America.

Violation of Section 305, Federal Regulation of Lobbying Act (Act of August 2, 1946, 60 Stat. 840).

#### COUNT VII

The United States Attorney in and for the District of Columbia of the United States, charges:

1. All of the allegations contained in paragraphs 1, 2, 3, 4, 5, 6, 7, and 8, of Count I, and paragraphs 2, 3, 4, and 5 of Count VI of this information are hereby incorporated in this count of this information by reference thereto and realleged herein as fully and effectually as if the same were here repeated in full.

2. That during the fourth quarter (months of October, November, and December) of the year 1946, the defendant Robert M. Harriss for the purpose of influencing and attempting to influence the aforesaid legislation by the Congress of the United States, on or about the dates, in the amounts and to the persons, firms, associations and corporations, set out below, made the following expenditures:

(a) October 31, 1946, to the defendant Ralph W. Moore, the sum and amount of \$25,000.00.

(b) November 18, 1946, to the defendant Ralph W. Moore, the sum and amount of \$10,000.00.

(c) December 5, 1946, to the defendant Ralph W. Moore, the sum and amount of \$15,000.00.

(d) October 31, 1946, to the defendant James E. McDonald, the sum and amount of \$6,000.00, by deposit in the account of the said McDonald at the brokerage firm of Harriss and Vose.

22 3. That at no time between the first and tenth days of January 1947, did the defendant Robert M. Harriss file with the Clerk of the House of Representatives of the Congress of the United States covering the period embracing the fourth quarter (months of October, November, and December) of the year 1946 and any of the days of said period from the first to the tenth of January 1947, a statement setting out and furnishing the information required by section 305 of the Federal Regulation of Lobbying Act (Act of August 2, 1946, 60 Stat. 840), concerning the expenditures made by him principally to aid in influencing legislation by the Congress of the United States as previously alleged in this count, whereby; the said defendant, Robert M. Harriss, on or about the 10th day of January 1947, at and in the District of Columbia of the United States, and within the jurisdiction of this court, having, during said part of the year 1946, to-wit: the fourth quarter thereof, made the expenditures set out in paragraph 2 of this count of this information for the purpose principally to aid in influencing and attempting to influence the aforesaid legislation by the Congress of the United States, unlawfully, wilfully and knowingly failed to file a statement with the Clerk of the House of Representatives of the Congress of the United States setting forth the information required to be filed by him by the provisions of section 305 of the Federal Regulation of Lobbying Act (Act of August 2, 1946, 60 Stat. 840).

Contrary to the form of the statute in such cases made and provided and against the peace and dignity of the United States of America.

Violation of Section 305, Federal Regulation of Lobbying Act (Act of August 2, 1946, 60 Stat. 840).

#### COUNT VIII

23 The United States Attorney in and for the District of Columbia of the United States, charges:

1. All of the allegations contained in paragraphs 1, 2, 3, 4, 5, 6, 7, and 8, of Count I of this information are hereby incorporated in this count of this information by reference thereto, and realleged herein as fully and effectually as if the same were here repeated in full.

2. That during the period from August 2, 1946, and continuing thereafter until the filing and lodging of this information, the defendant James E. McDonald acted outside and apart from his official capacity and engaged himself for pay and for other con-



sideration on behalf of the defendant Ralph W. Moore and Robert M. Harriss for the purpose of attempting to influence, directly and indirectly, (a) the passage of legislation by the Congress of the United States which would cause a rise in the price of agricultural commodities and commodity futures, and (b) the defeat of legislation by the Congress of the United States which would cause a decline of prices of agricultural commodities and commodity futures.

3. That for the purpose of influencing the aforesaid legislation by the Congress of the United States, the defendant James E. McDonald on divers dates between August 2, 1946, and the date of the filing and lodging of this information, testified before committees of Congress of the United States, sent letters and telegrams to members of Congress and officials of the executive branch of the Government of the United States, issued press releases which were distributed by the Association, The Southern Commissioners of Agriculture and the Farm Commissioners Council to members of the Congress of the United States, and made speeches at various functions of the two aforesaid organizations.

4. That in consideration of these services of the defendant James E. McDonald acting outside of and apart from his official capacity, the defendant Ralph W. Moore financed commodity trading accounts for the benefit of the said James E. McDonald with the brokerage firm of Merrill, Lynch, Pierce, Fenner and Beane and the brokerage firm of Harriss and Vose, during said period.

5. That in further consideration of said services of the  
24 defendant James E. McDonald, so acting outside of and apart from his official capacity, the defendant Robert M. Harriss made payments of money to the defendant James E. McDonald and deposited money in commodity trading accounts with the brokerage firm of Harriss and Vose, for the benefit of the said James E. McDonald, during said period.

6. That the defendant James E. McDonald, acting outside of and apart from his official capacity, in furtherance of the objects and purposes for which he had theretofore received money and other things of value from the defendants Ralph W. Moore and Robert M. Harriss, to be used principally to aid in the passage and defeat of legislation as averred in paragraphs 4 and 5 of this count of this information and to accomplish the same, did the following:

(a) On or about November 1, 1947, the defendants James E. McDonald and Tom Linder, with others, organized the Farm Commissioners Council, for the purpose of utilizing it in influencing and attempting to influence legislation by the Congress of the United States relative to farm commodities.



(b) On November 24, 1947, in a speech by the defendant James E. McDonald at a dinner held at the Mayflower Hotel, in Washington, D. C., at which dinner a large number of members of the Congress of the United States were present, said, among other things: "I ask you members of both Houses not to vote more rigid legislation or restrictive measures upon Texas and American agriculture."

(c) On November 25, 1947, the defendant James E. McDonald made a statement before the Senate Committee on Agriculture, using some of the materials prepared for him by one Dr. Clair, opposing proposed legislation which would tend to reduce the prices of farm commodities.

(d) On or about November 28, 1947, the defendant James E. McDonald, issued a press release in which he stated, among other things, "Government control of commodities is a dangerous thing."

(e) On or about June 7, 1947, the defendant James E. McDonald, sent to members of Congress copies of a telegram which he had under date of June 7, 1947, sent to President Harry S. Truman, Washington, D. C., stating in part that the President was receiving bad and destructive advice regarding the advisability of a lower price level.

7. That on or about March 1, 1948, at and in the District of Columbia of the United States and within the jurisdiction of this court, the defendant James E. McDonald, being then and there a person who, under the facts alleged above and the provisions of Section 308 of the Federal Regulation of Lobbying Act (Act of August 2, 1946, 60 Stat. 840), was required, before the doing of the acts and things enumerated in paragraph 6 of this count of this information, to register with the Clerk of the House of Representatives and the Secretary of the Senate, both of the Congress of the United States, and to give to those officers in writing and under oath the information required by said section 308, did then and there unlawfully, wilfully and knowingly fail to register with the Clerk of the House of Representatives and the Secretary of the Senate, both of the Congress of the United States.

Contrary to the form of the statute in such cases made and provided and against the peace and dignity of the United States of America.

Violation of Section 308, Federal Regulation of Lobbying Act (Act of August 2, 1946, 60 Stat. 840).

#### COUNT IX

The United States Attorney in and for the District of Columbia of the United States, charges:

1. All of the allegations contained in paragraphs 1, 2, 3, 4, 5, 6, 7 and 8, of Count I of this information are hereby incorporated in this count of this information by reference thereto, and realleged as fully and effectually as if the same were here repeated in full.

26        2. That during the period from August 2, 1946, and continuing thereafter until the date of the filing and lodging of this information, the defendant Tom Linder, acted outside of and apart from his official capacity and engaged himself for pay and for other consideration on behalf of the defendants Ralph W. Moore and Robert M. Harriss for the purpose of attempting to influence, directly and indirectly, (a) the passage of legislation by the Congress of the United States which would cause a rise in the price of agricultural commodities and commodity futures, and (b) the defeat of legislation by the Congress of the United States which would cause a decline of prices of agricultural commodities and commodity futures.

3. That for the purpose of influencing and attempting to influence the aforesaid legislation by the Congress of the United States, the defendant Tom Linder on divers dates between August 2, 1946, and the date of the filing and lodging of this information, testified before Committees of Congress of the United States, sent letters and telegrams to members of Congress and officials of the executive branch of the Government of the United States, issued press releases which were distributed by the Association, the Southern Commissioners of Agriculture and the Farm Commissioners Council, to members of the Congress of the United States, and made speeches at various functions of the two aforesaid organizations.

4. That in consideration of these services of the defendant Tom Linder so acting outside of and apart from his official capacity, the defendant Ralph W. Moore made payments of money to the defendant Tom Linder and financed commodity trading accounts for the benefit of the defendant Linder with the brokerage firm of Harriss and Vose, during said period.

5. That in further consideration of these services of the defendant Tom Linder so acting outside of and apart from his official capacity, the defendant Robert M. Harriss made payments  
27        of money to the defendant Tom Linder and financed and deposited money in commodity trading accounts for the benefit of the defendant Tom Linder with the brokerage firm of Harriss and Vose, during said period.

6. That the defendant Tom Linder, acting outside of and apart from his official capacity, in furtherance of the objects and purposes for which he had theretofore received money and other things of value from the defendants Ralph W. Moore and Robert M. Harriss, to be used principally to aid in the passage and defeat of legislation as averred in paragraphs 4 and 5 of this count of

this information and to accomplish the same, did the following:

(a) On or about November 1, 1947, the defendants Tom Linder and James E. McDonald, with others, organized the Farm Commissioners Council, for the purpose of utilizing it in influencing and attempting to influence legislation by the Congress of the United States relative to farm commodities.

(b) On November 25, 1947, the defendant Tom Linder made a statement before the Senate Committee on Agriculture of the Congress of the United States, using material prepared by one Dr. Clair, opposing proposed legislation which would tend to reduce the prices of farm commodities.

(c) On or about the fall of the year 1946, at a dinner alleged to have been sponsored by the Association, Southern Commissioners of Agriculture, staged at the Mayflower Hotel, in Washington, D. C., at which about 200 members of Congress were present, the defendant Tom Linder delivered a speech in which he urged Congress to enact legislation ending the Office of Price Administration controls of prices.

7. That on or about January 1, 1948, at and in the District of Columbia of the United States and within the jurisdiction of this Court, the defendant Tom Linder, being then and there a person

28     who, under the facts alleged above and the provisions of Section 308 of the Federal Regulation of Lobbying Act (Act of August 2, 1946, 60 Stat. 840), was required, before the doing of the acts and things enumerated in paragraph 6 of this count of this information, to register with the Clerk of the House of Representatives and the Secretary of the Senate, both of the Congress of the United States, and to give to those officers in writing and under oath the information required by said Section 308, did then and there unlawfully, wilfully and knowingly, fail to register with the Clerk of the House of Representatives and the Secretary of the Senate, both of the Congress of the United States.

Contrary to the form of the statute in such cases made and provided and against the peace and dignity of the United States of America.

Violation of Section 308, of the Federal Regulation of Lobbying (Act of August 2, 1946, 60 Stat. 840).

#### COUNT X

The United States Attorney in and for the District of Columbia of the United States, charges:

1. All of the allegations of paragraphs 1, 2, 3, 4, 5, 6, 7 and 8 of Count I of this information are hereby incorporated in this count of this information by reference thereto and realleged herein, as fully and effectually as if the same were here repeated in full.

2. That the National Farm Committee which is hereby charged and made a defendant herein, is a corporation organized in the State of Texas and having an office in Washington, D. C.

3. That since August 2, 1946, and continuing to the date of 29 the filing and lodging of this information the principal purpose of the defendant National Farm Committee was to influence, directly and indirectly, (a) the passage of legislation by the Congress of the United States which would cause a rise in the price of agricultural commodities and commodity futures and (b) the defeat of legislation by the Congress of the United States which would cause a decline of prices of agricultural commodities and commodity futures.

4. That during the third quarter (months of July, August, and September) of the year 1946, the defendant National Farm Committee solicited, collected and received money to be used principally to aid in the accomplishment of the purposes set forth in paragraph 3 of this count of this information.

5. That during the third quarter (months of July, August, and September) of the year 1946, the defendant National Farm Committee received contributions, the exact amount of which is unknown, for the purposes set forth in paragraph 3 of this count of this information.

6. That during the third quarter (months of July, August, and September) of the year 1946, the defendant National Farm Committee, for the purpose of influencing and attempting to influence the aforesaid legislation by the Congress of the United States, on or about the dates, from the persons, firms, associations and corporation set out below, solicited, collected and received, the following contributions:

(a) On or about August 5, 1946, from the defendant Robert M. Harriss, the sum and amount of \$1,000, by means of a cashier's check drawn on the National City Bank of New York.

7. That at no time between the first and tenth days of October 1946, did the defendant National Farm Committee file with the Clerk of the House of Representatives of the Congress of the United States covering the period embracing the third quarter

(July, August, and September) of the year 1946 and any 30 of the days of said period from the first to the tenth of October 1946, a statement setting out and furnishing the information required by Section 305 of the Federal Regulation of Lobbying Act (Act of August 2, 1946, 60 Stat. 840), concerning the contributions received by it to be used principally to aid in influencing and attempting to influence legislation by the Congress of the United States as previously alleged in this count, whereby; the said defendant National Farm Committee, on or about the tenth day of October 1946, at and in the District of

Columbia of the United States and within the jurisdiction of this court, having received the contributions set out in paragraph 6 of this count of this information for the purpose principally to aid in influencing and attempting to influence the aforesaid legislation by the Congress of the United States, unlawfully, wilfully and knowingly, failed to file a statement with the Clerk of the House of Representatives of the Congress of the United States setting forth the information required to be filed by it by the provisions of said Section 305 of said Federal Regulation of Lobbying Act.

Contrary to the form of the statute in such cases made and provided and against the peace and dignity of the United States of America.

Violation of Section 305, Federal Regulation of Lobbying Act (Act of August 2, 1946, 60 Stat. 840).

GEORGE MORRIS FAY,  
*United States Attorney.*

31 In the United States District Court for the District of  
Columbia

[Title omitted.]

[File endorsement omitted.]

*Motion to dismiss Count 9 of information*

Filed January 9, 1950

Now comes Tom Linder, one of the above-named defendants, and moves to dismiss Count #9 of the Information against above defendants, on the ground that the count is bad in substance and that the count does not set out a criminal offense against said Tom Linder under the laws of the United States, upon the following grounds:

Count 9 should be dismissed for the reason that the acts Linder is charged with engaging himself to do and the acts he is alleged to have done were such as the laws of Georgia require its Commissioner of Agriculture to do, and hence are his official acts which he could perform without registering, to wit:

Georgia Code 1933, Section 5-204:

"Duties of Director; investigations, information, advice and assistance, prevention of waste.

"The Director shall be the chief executive officer of the Bureau of Markets and it shall be his duty to organize said Bureau and in co-operation with the Commissioner of Agriculture to plan and formulate the work to be done and carry out the provisions of this Chapter; and he shall—

“(a) Investigate methods and practices in connection with the production, handling, standardizing, grading, classifying, sorting, weighing, packing, transportation, storage, inspection and sale of agricultural products of all kinds within this State and all matters relevant thereto.

32       “(b) Gather, formulate, and disseminate information in such form and at such time as he shall deem advisable relating to matters mentioned in subsection (a) hereof in all their phases, and by correspondence, publication, advice, experimentation or by any other practical means shall keep producers, purchasers, and consumers informed of the supply and demand of all such products and of the markets at which the same can be best and most efficiently and most economically sold or procured.

“(e) *Secure in the performance of the duties of his office the cooperation and assistance of the office of markets of the Department of Agriculture of the United States, similar offices, bureau or departments of other States, and of the Georgia State College of Agriculture or of any other organization that may be of assistance therein.*” [Emphasis supplied.]

“(f) Assist and advise in the organization and the conduct of cooperative and other associations for improving relations and services among producers, distributors and consumers and methods and practices in connection with the several matters mentioned in subsection (a) hereof, and all matters relevant thereto.

“(h) Whenever it shall appear that any agricultural products are liable to spoil or waste or depreciate in value for lack of ready market, take such steps as may be deemed advisable to benefit the producers, distributors and consumers thereof, and to prevent waste.

“(i) Take such other measures as shall be proper for carrying out the purposes of this Chapter.”

2

The Count is fatally defective in that it charges a violation of the Regulation of Lobbying Act, which defendant avers violates the Constitution of the United States in the following particulars:

(a) Section 308 of said Act is unconstitutional in that it violates the First Amendment to said Constitution, which  
33       guarantees to defendant the right of free speech, freedom of the press, and the right to petition Congress for the redress of grievances, by forbidding the exercise of these rights by defendant under the penalties provided by the Regulation of Lobbying Act.

(b) Said Section is likewise unconstitutional and in violation of the Fifth Amendment to said Constitution, which guarantees

the defendant due process of law, because it deprives defendant of due process of law in that it is so vague and indefinite as to fail to give fair notice of what acts are punishable under its provisions, and in failing to set forth clearly the persons within the scope of the Act or to provide an understandable test to ascertain the guilt of those alleged to have violated it.

(c) Section 308 of said Lobbying Act is so all embracing in that it requires the person who has engaged himself for pay or for any consideration for the purpose of attempting to influence the passage or defeat of legislation "before doing anything in furtherance of such object" to register. "Doing anything" includes so much without naming any particular acts, even including all acts guaranteed by the First Amendment to the Constitution of the United States, such as those acts coming under the guarantee of Freedom of Speech, Press, the Right to Peaceably Assemble and Petition the Government for redress of grievances, and so many other acts innocent in their nature, yet which might be construed to come within the criminal offense, that men of common intelligence must guess at what is really meant shall constitute an offense, and by reason of same defendant is denied the due process of law which is guaranteed by the Fifth Amendment to the Constitution of the United States.

(d) Section 308 is both so vague and indefinite as to what persons the "title" shall apply when measured by the limitations set forth in Section 307 and Section 308 that persons of common intelligence would have to guess whether a particular person would be subject to prosecution under the law or whether a particular act under the law would subject a person to  
34 prosecution, and this violates the due process clause guaranteed by the Fifth Amendment.

(e) The Regulation of Lobbying Act is unconstitutional in that it is grossly discriminatory, to wit: Section 307 exempts political committees and all duly organized State and local committees of a political party. The laws regulating the formation of political parties are so lax that the present defendants or any three or more people may form a political party, either national, State or local and then be exempt from the terms of the Act, and free to lobby all they might want to.

(f) The Act as a whole is likewise unconstitutional in providing an additional penalty in Section 310 (b) (2 U. S. C., Sec. 269 (b)), prohibiting violators "from attempting to influence directly or indirectly, the passage or defeat of any proposed legislation, or from appearing before a committee of the Congress in support of or opposition to proposed legislation," the said additional penalty investing no discretion in the Court and not being limited to the period of time within which the person is engaged in violating



the law, and bearing in mind the failure of the Act to set forth an ascribable standard of guilt, constitutes a bill of pains and penalties within the prohibition of bills of attainder in Article I, Section 9 of the Constitution. Further, in depriving defendant of his right of free speech and right of petition within the First Amendment of the Constitution, the said additional penalty constitutes a "cruel and unusual punishment" within the meaning of the Eighth Amendment.

## 3

Count 9 is fatally defective in that it is alleged that this defendant acted outside of his official capacity when he engaged himself for pay, etc. and in performing certain acts. No facts are set forth to distinguish his acts as an individual from his acts as a public official or to show how and in what way this defendant acted in any other way save as the official Commissioner of Agriculture of the State of Georgia. As a public official of the

35      State of Georgia, this defendant is exempt under the provisions of the statute and this defendant is not required to make any registration as charged in said indictment. It is well known that a Commissioner of Agriculture is charged by the law of his State to do everything possible to cause the rise of farm commodities and to prevent the decline of commodities raised on the farm. To do otherwise would mean that a Commissioner of Agriculture was derelict in his duties.

## 4

Said Count 9 is fatally defective in that it is not shown in said indictment what legislation was pending before Congress, the passage of which would cause a rise in the price of agricultural commodities and commodity futures. Neither is it alleged in said count or in said indictment what agricultural commodities and commodity futures are referred to. This defendant is entitled to be placed on notice with what he is charged with doing and what legislation was pending, how long it had been pending and whether Congressmen or Senators or other public officials were advocating the passage of legislation to cause a rise in the price of agricultural commodities and commodity futures.

## 5

Paragraph 3 of this count is fatally defective in that it does not show how and in what way this defendant, and on what dates this defendant testified before the Committees of Congress, nor does it set forth the time and contents and to whom was sent the letters and telegrams mentioned to the Congress and officials of



the executive branch of the government of the United States. Neither does the government inform this defendant what press releases were distributed by the Commissioners of Agriculture and the Farm Commissioners Council, nor does it show what members of the Congress of the United States received these press releases, bulletins, letters, telegrams, etc., nor does it apprise this defendant what speeches he is alleged to have made before the Southern Commissioners of Agriculture and the Farm Commissioners Council at various functions, all as set out in paragraph 3 of the Count. This defendant is entitled, as a matter of right and law, to be apprised of what letters, telegrams, press releases and speeches the government charges are in violation of the law and, not being apprised even in the slightest degree what letters, what bulletins, what press releases and what speeches are complained of, this defendant says this paragraph of the count should be stricken in its entirety.

## 6

Paragraph 2 of said Count 9 is fatally defective in that it is not alleged what payments of money were made to this defendant and what commodity trading accounts for the benefit of this defendant are referred to, how much money was paid, where paid, the date of said accounts and all the details thereof and having failed to set forth the exact charges so that this defendant may adequately prepare his defense, said paragraph of said count is fatally defective and should be dismissed. Nowhere in said count is this defendant apprised as to when and what sums of money he is alleged to have received, nor what commodity trading accounts he is charged with having.

## 7

The Count fails to allege the defendant committed any particular act prohibited by the Lobbying Act of 1946. The Act itself does not specifically prohibit testifying before Committee of Congress; nor sending letters or telegrams to members of Congress and officials of the United States; nor the issuance of press releases; nor the making of speeches and statements; nor the organizing of the Farm Commissioners Council, all as charged in Paragraphs 3 and 6 of Count 9.

## 8

The construction placed upon the Lobbying Act by the Department of Justice in drawing Count 9 that the action of this defendant as set forth in paragraphs 3 and 6 of Count 9 constitutes a violation of the Lobbying Act is in direct violation of the First

37 Amendment to the Constitution of the United States, in that it denies to defendant his freedom of speech, freedom of the press and the right to petition the government for a redress of grievances, and if it was the intent of the Congress in enacting said law to make such acts penal, same would be unconstitutional as set out herein.

## 9

Paragraph 2 of Count 9 fails to allege what legislation defendant was attempting to influence by each of the acts alleged in paragraph 3 of said count, whether he was attempting to obtain the passage or the defeat of such legislation, how the legislation would affect the rise or bring about the decline of prices; what his testimony was before Congress; what the letters, telegrams, speeches and press releases contained; on what dates the offending words were spoken or written; nor to what persons they were spoken or written. Unless defendant is furnished with this information relative to the acts alleged in the information and upon which he is charged with a criminal offense, he will be unable to prepare proper defense and will be denied the due process of law as guaranteed him by the Fifth Amendment of the Constitution of the United States of America.

## 10

Count 9 apparently was brought on the theory that the principal purpose of defendant was lobbying and should be dismissed because it is nowhere alleged therein that the "principal purpose" of the defendant was to aid in the influencing of the passage or defeat of the legislation therein referred to, nor that his principal purpose was that of lobbying, Section 307 of the Lobbying Act clearly limiting the application of the Act to such persons. But on the contrary the Count shows that the principal purposes of defendant were to perform his duties as Commissioner of Agriculture and to further his personal interests in buying and selling agricultural commodities. Hence, this count fails to allege that defendant comes within the class of persons to whom the Lobbying Act applies.

38 It is no violation of Section 308 for a person to receive money or other things of value "to be used principally to aid in the passage and defeat of legislation" unless in addition thereto the person has been engaged for money or other consideration to lobby. It might be a violation of some other section of the Act, unless a report is made properly, as required by the Act, but not Section 308 as charged by Count 9.

## 11

Count 9 fails to set out a violation of Section 308 of the Regulation of Lobbying Act because it alleges that the failure to register, occurred on or about January 1, 1948, and does not allege that the defendant, after the time of failing to register did any act in furtherance of attempting to influence the passage or defeat of any legislation. Under Section 308, three things occur in consecutive order before there is a violation of the section, to-wit: A. An engagement for pay or consideration to lobby; B. Failure to register; C. The doing of the forbidden act. The Count charges that he failed to register **AFTER** the acts were committed.

## 12

This count charges that the failure to register constituted the offense rather than the acts set forth in subparagraphs (a), (b) and (c) of paragraph 6 of the Count. Movant says that the gravamen of the violation of Section 308, is not the failure to register, but the doing of acts forbidden; that those persons who engage themselves for pay or other consideration to lobby and fail to register, constitute that class of persons who alone can commit the offense by doing some act in furtherance of what they are employed to do.

## 13

Under Section 307, only two classes of persons can violate the Regulation of Lobbying Act: A. Those who solicit or receive money or other thing of value to be used, and, B. those whose principal purpose is to aid in the passage or defeat, or to influence the passage or defeat of legislation. Neither of these  
39 classes can violate Section 308 unless there is an engagement for pay or other consideration (employment) to lobby. The contradictory allegations in paragraph 6 with those in paragraphs 4 and 5 are such that defendant cannot determine whether he is charged with being in the first of these classes or within the second. This is a vital element of the offense and the failure of the government to allege such facts as will set forth this element, denies to the defendant the due process as guaranteed by the Fifth Amendment to the Constitution of the United States.

## 14

Count 9 fails to allege a violation of Section 308 of the Regulation of Lobbying Act, in that it fails to allege specifically that the defendant had engaged himself for pay and other consideration on behalf of Moore and Harriss, **BEFORE** he did the acts alleged in paragraph 6 of the Count, paragraph 2 of the Count

alleging that he engaged himself "during the period from August 2, 1946, and continuing thereafter until the date of filing and lodging of this information." The Information was not filed and lodged until August of 1949, under the allegations the engaging for pay could not have occurred at any time after the acts alleged in paragraph 6 were done. Hence no offense is charged.

15

Paragraph 2 of Count 1, incorporated into Count 9 by reference thereto, alleged that Linder had a personal financial interest in the buying and selling of futures contracts for agricultural commodities. The acts alleged to have been done by Linder are those any individual might legally do if acting for himself. And he would not be violating Section 308 of the Regulation of Lobbying Act, as the Act requires no one to register who lobbies for his own personal interests.

16

Count 9 is too contradictory in its allegations to be the basis for a criminal prosecution for violating Regulation of Lobbying Act.

40 (a) It charges Linder with doing the very things the laws of Georgia requires of the Commissioner of Agriculture, and tries to get around the exemption of Public Officers by alleging that he acted outside of his official capacity because he had a personal interest in the buying and selling of futures for commodities, yet proceeds to allege acts which any individual might do in lobbying for his individual personal interests without violating Section 308 of the Act:

(b) Paragraphs 2, 3, and 4 of the Count allege that Linder engaged himself for pay and other consideration on behalf of Ralph W. Moore and Robert M. Harriss to lobby, but paragraph 6 of the Count contradicts this allegation of employment and alleges that he received this particular money and other consideration from Moore and Harriss "to be used principally to aid in the passage \* \* \*" etc.

Wherefore, defendant says that Count 9 is bad in substance and he prays that said Count be dismissed.

Respectfully submitted,

Hugh Howell,  
HUGH HOWELL,  
511 Connally Building, Atlanta 3, Georgia,  
Victor Davidson,  
VICTOR DAVIDSON,  
Attorney at Law, Irwinton, Georgia,  
Attorneys for Tom Linder.

41 In the United States District Court for the District  
of Columbia

[Title omitted.]

[File endorsement omitted.]

*Motion to dismiss of defendant National Farm Committee*

Filed January 9, 1950

Comes now defendant National Farm Committee, by its attorneys, William E. Leahy, William J. Hughes, Jr., and Ben I. Melnicoff, and moves to dismiss the Information herein on the ground that Count 10 thereof is bad in substance on the following grounds:

## COUNT 10

(a) Defendant National Farm Committee hereby makes a part hereof the Motion to Dismiss filed herein by defendant Moore.

(b) Count 10 is fatally defective in that par. 3-6 inclusive fail to allege facts sufficient to advise the accused of the nature and cause of the accusation against him.

Respectfully submitted.

William E. Leahy,  
WILLIAM E. LEAHY,  
Wm. J. Hughes, Jr.,  
WILLIAM J. HUGHES, Jr.,  
Ben I. Melnicoff,  
BEN I. MELNICOFF,  
*Attorneys for Defendant,*  
*National Farm Committee.*

[Proof of service omitted in printing.]

42 In United States District Court for the  
District of Columbia

[Title omitted.]

[File endorsement omitted.]

*Motion to dismiss of defendant Moore*

Filed January 9, 1950

Comes now defendant Ralph W. Moore by his attorneys, William E. Leahy, William J. Hughes, Jr., and Ben I. Melnicoff and moves to dismiss the information herein on the ground that Counts 1-5 thereof are bad in substance on the following grounds:

## 1. COUNT 1

(a) This Count, although purporting to charge a violation of Section 308 of the Act against Moore alone, in reality charges a conspiracy between Harriss, Moore, McDonald, and Linder. This charge is by Information, not Indictment, and thus violates the Fifth Amendment of the Constitution and Rule 7 (a) of the Federal Rules of Criminal Procedure.

(b) The Information is fatally defective and prejudicial in violation of the Fifth Amendment in that it alleges in extenso improper acts and motives for alleged failure to register which are not pertinent to a charge of violation of Section 308.

(c) Count 1 is fatally defective in that the Act and its legislative history shows it was not intended to apply to individuals acting in their self-interest as distinguished from persons cloaking their acts behind the front of organizations, pressure groups, etc.

(d) Count 1 is invalid in that Sections 307 and 308 of the Lobbying Act are unconstitutional for the reason that they  
43 violate the guarantees of the First Amendment to the Constitution guaranteeing the right of free speech and to petition Congress for the redress of grievances. The said Act is likewise unconstitutional in violation of the Fifth Amendment, in depriving defendants of due process of law, in that it is so vague and indefinite as to fail to give fair notice of what acts are punishable under its provisions, and in failing to set forth clearly the persons within the scope of the Act or to provide an understandable test to ascertain guilt of alleged violators. The Act is also unconstitutional as being grossly discriminatory in failing to include officers and agents of the Government, who are not required to register or file reports.

(e) The Act is likewise unconstitutional in providing an additional penalty in Section 310 (b) (2 U. S. C., Sec. 269 (b)), prohibiting violators "from attempting to influence directly or indirectly, the passage or defeat of any proposed legislation, or from appearing before a committee of the Congress in support of or opposition to proposed legislation", the said additional penalty investing no discretion in the Court and not being limited to the period of time within which the person is engaged in violating the law, and bearing in mind the failure of the Act to set forth an ascribable standard of guilt, constitutes a bill of pains and penalties within the prohibition of bills of attainder in Article I, Section 9 of the Constitution. Further, in depriving defendants of their right to free speech and right of petition within the First Amendment of the Constitution, the said additional penalty constitutes a "cruel and unusual punishment" within the meaning of the Eighth Amendment.

(f) Count 1 fails to advise the defendant or defendants of the nature and cause of the accusation against them and is fatally defective in that it fails to allege facts sufficient to constitute a valid charge.

44 (g) And for such other reasons as are apparent upon the face of Count 1 and may be argued at the hearing hereof.

## 2. COUNT 2

(a) The Motion to Dismiss herein filed against Count 1 is realleged as to Count 2.

(b) This Count is invalid in that it is impossible to ascertain whether the defendant Moore is indicted as a principal or an agent. Section 305 applies only to a donee or agent.

## 3. COUNT 3

(a) The Motion to Dismiss herein filed against Counts 1 and 2 is hereby made a part hereof.

(b) Par. 2, Count 3, in alleging that Moore attempted to influence legislation by giving a dinner at the Mayflower Hotel shows on its face that the statute does not apply to such an activity.

## 4. COUNT 4

(a) Defendant makes a part hereof the Motion to Dismiss filed herein against Counts 1 and 2.

(b) There is no showing in Par. 2, Count 4, that the deposits listed in Par. 2 (a), (b) and (c), Count 4, were made for the purpose of influencing or attempting to influence legislation. Such allegations are mere conclusions.

## 5. COUNT 5

(a) Defendant hereby makes a part hereof his Motion to Dismiss filed against Counts 1 and 2 herein.

(b) There is no showing in Par. 2 (a) to (o) inclusive, that the acts alleged were done for the purpose of influencing or attempting to influence legislation, these allegations being  
45 bare conclusions. Section 305 is unconstitutional if construed to apply to such acts.

Respectfully submitted.

William E. Leahy,  
WILLIAM E. LEAHY,  
William J. Hughes, Jr.,  
WILLIAM J. HUGHES, JR.,  
Ben I. Melnicoff,  
BEN I. MELNICOFF,

*Attorneys for Defendant Ralph W. Moore.*

[Proof of service omitted in printing.]

46 In United States District Court for the District of Columbia

[Title omitted.]

[File endorsement omitted.]

*Motion to dismiss*

Filed January 9, 1950

Comes now defendant, Robert M. Harriss, by his attorneys, Burton K. Wheeler, Edward K. Wheeler, and George F. Hirmon, and moves to dismiss the information herein on the ground that each and every count thereof is bad in substance, on the following grounds:

1. COUNTS VI AND VII

(a) Counts VI and VII are fatally defective on their face in that they do not charge defendant Harriss with having committed any act to which Section 305 or any other section of the Federal Regulation of Lobbying Act is applicable.

(b) Said counts are further fatally defective on their face since they show that defendant Harris is not within the class of persons to whom Congress has declared, in Section 307, the provisions of the Act (including Section 305), to be applicable.

(c) Section 307 of the Act sets forth the definition of the persons to whom all provisions of the Act are applicable, and provides as follows (60 Stat. 841, 2 U. S. C. A. § 266):

47

"PERSONS TO WHOM APPLICABLE

"The provisions of *this title* shall apply to any person (except a political committee as defined in Chapter 8 of this title, and duly organized State or local committees of a political party), who by himself, or through any agent or employee or other persons in any manner whatsoever, directly or indirectly, *solicits, collects, or receives money or any other thing of value* to be used principally to aid, or the principal purpose of which person is to aid, in the accomplishment of any of the following purposes:

"(a) The passage or defeat of any legislation by the Congress of the United States.

"(b) To influence, directly or indirectly, the passage or defeat of any legislation by the Congress of the United States." [Emphasis added.]

Nowhere in said Counts VI and VII or anywhere else in said information is it alleged that defendant Harris either by himself or through any employee or other persons in any manner whatsoever, directly or indirectly, *solicited, collected, or received any*



money or any other thing of value whatsoever for the purposes enumerated in Section 307 or for any other purpose. *The charges are simply that defendant Harriss expended money.* For this reason Counts VI and VII, as well as the information in its entirety, utterly fail to allege any fact which would constitute defendant Harriss a person to whom the application of Section 305 or any other provision of the title is strictly limited by the express restrictions of Section 307.

## 2. COUNTS I THROUGH X INCLUSIVE

(a) The information is bad in its entirety in that it charges only violations of the Federal Regulation of Lobbying Act, and said Act is in its entirety a nullity and void in that its plain purpose and necessary effect are, in direct violation of the Constitution of the United States, utterly to destroy the rights and freedoms and the protection of individual citizens of the United States, which said Constitution guarantees and prescribes.

48 (b) The First Amendment to the Constitution declares: "Congress shall make no law respecting an establishment of religion or the free exercise thereof; *or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.*" [Emphasis added.] Said Federal Regulation of Lobbying Act would render criminal the peaceable assembly of Americans for the discussion of matters of public interest where there had been no previous registration with Federal agents.

(c) Said Act, furthermore, would render criminal the free discussion by Americans of their government and of public matters where they had not previous to such discussion registered with Federal agents.

(d) Said Act, furthermore, would render criminal petitions for redress of grievances made by Americans to their Government where they had not previously registered with Federal agents.

(e) Said Act is likewise unconstitutional in violation of the Fifth Amendment, in depriving defendants of due process of law, in that it is so vague and indefinite as to fail to give fair notice of what acts are punishable under its provisions, or to provide an understandable test to ascertain guilt of alleged violators.

(f) Said Act is likewise unconstitutional in violation of the Sixth Amendment, in that the criteria of guilt which said Act attempts to set forth are incomprehensible and utterly devoid of any ascertainable meaning, and as a consequence it is impossible for any information filed against any defendant under said Act to inform the defendant of the nature and cause of the accusation against him.

(g) Said Act is likewise unconstitutional in providing an additional penalty in Section 310 (b) (2 U. S. C. A., Sec. 269 (b)), prohibiting violators "from attempting to influence directly or indirectly, the passage or defeat of any proposed legislation, or from appearing before a committee of the Congress in support of or opposition to proposed legislation," the said additional penalty investing no discretion in the Court and not being limited to the period of time within which the person is engaged in violating the law, and bearing in mind the failure of the Act to set forth any ascertainable standard of guilt, constitutes a bill of pains and penalties within the prohibition of bills of attainder of Article I, Section 9 of the Constitution. Further, in depriving defendants of their right of free speech and right of petition within the First Amendment of the Constitution, the said additional penalty constitutes a "cruel and unusual punishment" within the meaning of the Eighth Amendment.

(h) The Act is likewise unconstitutional as being grossly discriminatory in failing to include officers and agents of the government, who are not required to register or file reports.

(i) Defendant Harriss incorporates herein by reference, insofar as applicable, the allegations above set forth in paragraphs 1 (a), (b), and (c) hereof.

(j) And said Act is unconstitutional for such other reasons as are apparent upon the face thereof and may be argued at the hearing hereof.

Wherefore:

Defendant Harriss avers that said information is bad in its entirety and in particular that Counts VI and VII of the information which purport to charge offenses against him are bad in substance and said information including said Counts VI and VII should be dismissed.

B. K. Wheeler,  
BURTON K. WHEELER,  
E. K. Wheeler,  
EDWARD K. WHEELER,  
George F. Hirmon,  
GEORGE F. HIRMON,

*All of 704 Southern Building, Washington 5, D. C.,  
Attorneys for Defendant Robert M. Harriss.*

[Certificate of service, omitted in printing.]

52 In United States District Court for the District of Columbia

[Title omitted.]

[File endorsement omitted.]

*Amendment to motion of Tom Lindner to dismiss count 9 of the information.*

Filed November 14, 1950

Now comes Tom Lindner and with leave of court first obtained amends his motion to dismiss Count 9 of the Information as follows:

1

Defendant adds new paragraphs numbered 17 and 18 to read as follows:

#### Paragraph 17

The offense which Count 9 charges defendant with is violating Section 308 of the Regulation of Lobbying Act.

The allegations of paragraphs 4 and 5 and 6 are the vital portions of the charge, yet the allegations of paragraph 6 that the count fails to set out with sufficient certainty the offense charged so as to apprise the accused of the nature of the charge against him. Paragraphs 4 and 5 of the count allege that the pay and consideration which defendant received was for the services rendered as described in paragraph 3 of the count, but paragraph 6 of the Count alleges that the defendant—

“\* \* \* in furtherance of the objects and purposes for which he had theretofore received money and other things of value from the defendants Ralph W. Moore and Robert M. Harriss to be used principally to aid in the passage and defeat of legislation as averred in paragraphs 4 and 5 of this count \* \* \*”

53 It is no violation of Section 308 of the act for a person to fail to register just because he receives money or other thing of value “to be used principally to aid in the passage and defeat of legislation” \* \* \*

The Count by reasons set forth in the foregoing allegations fail to inform the defendant of the nature and cause of the accusation and hence he is denied his rights guaranteed by the 6th Amendment to the Constitution of the United States.

#### Paragraph 18

Paragraphs 2, 4, 5, and 6 of the count allege that the defendant in doing the things charged, was acting outside his official capacity. Yet in no instance in the count is there any allegation by

which the court can determine that the defendant was acting outside his official capacity. Neither is the defendant informed of the nature and cause of the accusation, so as to prepare adequate defense. The allegations that he was acting outside his official capacity are mere conclusions of the pleader and without acts or facts alleged to sustain the charge. If he was acting in his official capacity, he is guilty of no offense. The defendant is entitled to know upon what acts or facts the above conclusion was based that he was acting outside his official capacity. And he is thus being denied the rights guaranteed by the 6th Amendment to the Constitution of the United States.

(a) Likewise all that portion of paragraph 6 of Count 1, which allege the manner and the purposes of the defendants in using the organization named therein, are mere conclusions of the pleader and are subject to the same objections as just set forth.

Wherefore, defendant prays that said Count 9 be dismissed.

VICTOR DAVIDSON,

Hugh Howell,

By HUGH HOWELL,

*Attorneys for Defendant, Tom Linder.*

Connally Building, Atlanta, Ga.

Irwinton, Ga.

[Proof of service, omitted in printing.]

54 In United States District Court for the  
District of Columbia

[Title omitted.]

[File endorsement omitted.]

*Suggestion of death of defendant and order to dismiss*

Filed January 30, 1953

Now comes William A. Kehoe, Jr., attorney for James E. McDonald, one of the defendants in the above-captioned cause, and suggests the death of said defendant, James E. McDonald, on June 12, 1952, at San Benito, Texas, and it appearing to the Court that the above-entitled cause does not survive, and nothing appearing to the contrary, it is by the Court this 30th day of January 1953,

Ordered that said information filed herein against said defendant, James E. McDonald, stand abated and that the same be dismissed as to said defendant.

ALEXANDER HOLTZOFF,

*Judge.*

57 In United States District Court for the District of  
Columbia

*Opinion of the Court*

January 30, 1953

The COURT (Holtzoff, J.). In the case of National Association of Manufacturers v. McGrath, a Three-Judge Court of this district held that section 305 of the Regulation of Lobbying Act was unconstitutional. U. S. Code, Title 2, chapter 8 (a) section 264.

This conclusion was based on two grounds. First: That the definition of the offense, as contained in the statute, was too indefinite to comply with the requirement of constitutional law, and the due process clause particularly, that a criminal statute must define a crime with sufficient precision to apprise persons as to what would constitute a violation.

The second ground was that the penalty prescribed by the statute was unconstitutional in that in addition to a fine or imprisonment, or both, it proscribed any person convicted under the statute from attempting to influence the passage or defeat of legislation for a period of three years. The Court held that this provision was a violation of the constitutional rights of every citizen to petition Congress.

58 The penalty provision of the Act is applicable not only to violations of section 305, but also to violations of section 308, which may well be severed under the separability clause. To repeat, the penalty, however, applies to both aspects of this statute.

The Court does not agree that the separability clause goes far enough to make it possible to cut the penalty clause in two. In fact, if the present contention now advanced by the Government were correct, then the decision in the National Association of Manufacturers case was erroneous in so far as this ground of the decision was concerned. The Court feels that that case is at least *stare decisis*, if not *res judicata*.

To be sure, the judgment in that case was set aside and the complaint dismissed by the Supreme Court, but merely on the ground that the case had become moot during the progress of the litigation. The Court did not either affirm or reverse the decision of this Court holding this statute unconstitutional, but merely failed to pass on this point. It may well be that the judgment in that case, as I stated before, is not *res judicata*, but the opinion is *stare decisis*, and will be followed by the Court.

The Court, therefore, is constrained to reach the conclusion, first, that the two penalty clauses of the Act cannot be severed, but constitute a single penalty; and, second, that since it

59 applies to section 308 as well as to section 305, and since the penalty clause is unconstitutional, section 308 must be deemed unconstitutional as well as section 305.

On this ground the motion to dismiss the information is granted.

The Court wishes to thank all counsel on both sides for the great assistance that has been rendered by them, not only by the oral discussion but by the very able memoranda that have been filed here by all parties.

(Thereupon, the above-entitled proceedings were concluded.)

[Reporter's certificate to foregoing transcript omitted in printing.]

60 In United States District Court for the District of  
Columbia

Criminal No. 1212-49

Charge, Vio. S 305, Federal Regulation of Lobbying Act

UNITED STATES

*vs.*

No. 1. ROBERT M. HARRISS, No. 2. RALPH W. MOORE, No. 3.  
JAMES E. McDONALD, No. 4. TOM LINDER, No. 5. NATIONAL  
FARM COMMITTEE, DEFENDANTS

*Order dismissing information*

Filed January 30, 1953

On this 30th day of January 1953, came the Attorney of the Department of Justice, the defendants by their counsel, Burton K. Wheeler, William Leahy, Benjamin I. Melincoff, William A. Kehoe, Jr., and Victor Davidson, Esquires; whereupon, a suggestion of death is filed as to defendant James E. McDonald; thereupon, the motion of the defendants to dismiss the indictment, coming on to be heard, after argument by counsel is by the Court granted; whereupon, a dismissal is entered and the defendants are discharged.

By direction of:

ALEXANDER HOLTZOFF,

*Presiding Judge Criminal Court No. 1.*

HARRY M. HULL,

*Clerk.*

By (Name illegible),

*Deputy Clerk.*

Present:

By BENJAMIN F. POLLACK,

*Department of Justice Attorney.*

CHLOE MACREYNOLDS,

*Official Reporter.*

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61-75 In District Court of the United States for the  
District of Columbia

[Title omitted.]

[File endorsement omitted.]

*Notice of appeal*

Filed February 27, 1953

The United States hereby appeals to the Supreme Court of the United States from the order of the United States District Court for the District of Columbia, entered January 30, 1953, dismissing the information in the above-entitled case.

Walter J. Cummings, Jr.,

WALTER J. CUMMINGS, JR.,

*Solicitor General,*

*Department of Justice, Washington, D. C.*

Dated February 27, 1953.

76 [Service of appeal papers, omitted in printing.]

78 [Designation of record on appeal, omitted in printing.]

80 *Docket entries*

In United States District Court for the District of Columbia

Parties	Attorneys	Criminal No. 1212-49
UNITED STATES vs. 1. ROBERT M. HARRISS, 2. RALPH W. MOORE, 3. JAMES E. MC- DONALD, 4. TOM LINDER, 5. NATIONAL FARM COMMITTEE Case closed	U. S. ATTORNEY No. 1: Burton K. Wheeler, Edward K. Wheeler, George F. Hirmon. No. 3: Maury Hughes and/or Wm. A. Kehoe, Jr.  Orig. G. J. No.	Charge: Violation of Section 305, Federal Regulation of Lobbying Act (Act of August 2, 1946, 60 Stat. 840). Bond: 1. \$ ..... 2. \$ ..... 3. \$ ..... 4. \$ ..... 5. \$ ..... 6. \$ .....



Date	Proceedings
1949	
Aug. 31	Information, filed.
Sept. 13	No. 1: Appearance of Burton K. Wheeler, Edward K. Wheeler, and George F. Hirmon entered, filed.
Nov. 16	No. 3: Appearance Maury Hughes and/or William A. Kehoe, Jr., entered, filed.
23	No. 3: Appearance of William A. Kehoe, Jr., entered as associate attorney of Maury Hughes, filed.
25	No. 1: Telegram authorizing Burton K. Wheeler to enter plea on behalf of defendant, filed.
28	No. 4: Appearance Howell and Davidson entered, filed. Authorization from defendant to counsel to enter plea, filed.
	No. 3: Authorization from defendant to counsel to enter plea, filed.
	Each: Arraigned, Plea Not Guilty entered by counsel for defendant. Counsel given until 1/9/50 for filing of motions. HOLTZOFF, J. Cert. filed 11/29/49.
	No. 1: Attorney Edward K. Wheeler present.
	No. 2: Attorney Benjamin I. Melincoff present.
	No. 3: Attorney William A. Kehoe present.
	No. 4: Attorneys Howell and Davidson present.
	No. 5: Attorney Benjamin I. Melincoff present.
1950	
81 Jan. 9	No. 4:
	Defendant's motion to dismiss Count Nine of information and Points and Authorities in support thereof, filed.
	Defendant's motion to strike surplusage in Count Nine, filed.
	Defendant's motion for Bill of Particulars, filed.
9	No. 3:
	Motion of Defendant to strike certain parts of the information as surplusage, filed, and Points and Authorities in Support thereof filed.
	Motion of defendant to dismiss information, filed, and Points and authorities in support thereof, filed.
9	No. 2:
	Motion of defendant to strike certain parts of the information as surplusage and points and authorities in support thereof, filed.
	Motion of defendant for Bill of Particulars and points and authorities in support thereof, filed.
	Motion to dismiss and points and authorities in support thereof, filed.
9	No. 5:
	Motion for Bill of Particulars and points and authorities in support thereof, filed.
	Motion to Strike certain parts of the Information is surplusage and points and authorities in support thereof, filed.
	Motion to dismiss and points and authorities in support thereof, filed.
9	No. 1:
	Motion to dismiss and points and authorities in support thereof, filed.
	Motion of defendant for Bill of Particulars and points and authorities in support thereof, filed.
27	Each:
	Memorandum of Law in behalf of the United States of America in opposition to the motions of the defendants for a Bill of particulars, filed.
	Memorandum of Law in behalf of the United States of America in opposition to the motions of the defendants to strike certain parts of the information, filed.
	Memorandum of Law in behalf of the United States of America in opposition to the motions of the defendants to dismiss the information, filed.
Nov. 15	No. 4: Amendment to motion of Tom Linder to dismiss count 9 of the Information, filed.
1952	
May 13	No. 1: Transcript of Proceedings, Jan. 17, 1952, Pages 1-3, filed. (Court Clks. Copy.)
1953	
Jan. 30	No. 3: Suggestion of death of defendant and order to dismiss information as to said defendant, filed.
	Each:
	Motion of defendants to dismiss information argued and granted. Dismissal entered, defendants discharged.
	Substitute motion of law in behalf of the U. S. A. in opposition to the motion of the defendants to dismiss the information, filed.
82 Jan. 30	Each: Attorneys Burton K. Wheeler, William Leahy, Benjamin I. Melincoff, William A. Kehoe, Jr., Victor Davidson present. HOLTZOFF, J. Cert. filed. (Reporter, MacReynolds.)
Feb. 27	Each: Notice of Appeal, to the Supreme Court of the United States, filed. Statement as to jurisdiction, Appendix A, Appendix B, filed. (Filed by U. S., Walter J. Cummings, Jr. Solicitor General, Dept. of Justice.)
Mar. 11	Each: Designation of Record on Appeal and Notice, filed. Cert. of Serv.
Apr. 3	Each: Transcript of Proceedings, Fri., Jan. 30, 1953, filed. (Appellant's Copy.)

83 [Clerk's certificate to foregoing transcript omitted in printing.]

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84 In Supreme Court of the United States  
October Term, 1952

No. 700

[Title omitted.]

[File endorsement omitted.]

*Statement of points to be relied upon and designation of record*

Filed May 27, 1953

Pursuant to Rule 13, paragraph 9 of the Rules of this Court, appellant states that it intends to rely upon the following points.

The District Court erred:

1. In dismissing each count of the information.
  2. In holding that Section 305 (a) of the Federal Regulation of Lobbying Act is unconstitutionally vague and indefinite because, by incorporating Section 307 of the Act, it applies to any person who receives contributions or expends money for the purpose of influencing "directly or indirectly" the passage or defeat of federal legislation.
  3. In holding that the penalty imposed by Section 310 (b) of the Act, prohibiting convicted violators from lobbying for a three-year period, is unconstitutional as in contravention of the First Amendment.
  4. In holding that the invalidity of Section 310 (b) in itself serves to invalidate Sections 305 and 308 of the Act, despite the inclusion in the Act of a separability clause.
- 85 Appellant deems the entire record, as filed, necessary for the consideration of the points relied upon.

Robert L. Stern,  
ROBERT L. STERN,  
*Acting Solicitor General.*

87 Supreme Court of the United States  
No. 700, October Term, 1952

[Title omitted.]

*Order noting probable jurisdiction*

May 4, 1953

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

# **JURISDICTIONAL STATEMENT**

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE DISTRICT OF COLUMBIA

---

Criminal Action No. 1212-49

UNITED STATES OF AMERICA

*v.*

ROBERT M. HARRISS, RALPH W. MOORE, JAMES E.  
MCDONALD, TOM LINDER, AND NATIONAL FARM  
COMMITTEE, DEFENDANTS

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STATEMENT AS TO JURISDICTION

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In compliance with Rule 37(a)(1) of the Federal Rules of Criminal Procedure and Rule 12 of the Rules of the Supreme Court of the United States, as amended, the United States submits herewith its statement particularly disclosing the basis upon which the Supreme Court has jurisdiction on appeal to review the order of the District Court in this cause dismissing the indictment.

OPINION BELOW

The opinion of the District Court dismissing the information has not yet been reported. A copy is annexed hereto as Appendix A.

## JURISDICTION

The opinion and order of the District Court were entered January 30, 1953. The jurisdiction of the Supreme Court to review on direct appeal a judgment dismissing an information based on the unconstitutionality of the statute on which the information is founded is conferred by 18 U. S. C. 3731. See also Rules 37(a)(2) and 45(a), F. R. Crim. P.

## QUESTIONS PRESENTED

Section 305(a) of the Federal Regulation of Lobbying Act requires that certain records be kept and reports filed by persons receiving contributions or expending money for the purpose designated in Section 307, *i.e.*, to influence, directly or indirectly, the passage or defeat of federal legislation. Section 308(a) requires any person who engages himself for pay for the purpose of attempting to influence the passage or defeat of legislation to register before doing anything in furtherance of such object. Section 310(a) makes violation of any of the disclosure requirements a misdemeanor, punishable by fine or imprisonment, and Section 310(b) prohibits, for a period of three years, any person convicted of such a misdemeanor "from attempting to influence, directly or indirectly, the passage or defeat of any proposed legislation or from appearing before a committee of the Congress in support of or opposition to proposed legislation." The questions presented are:

1. Whether the purposes specified in Section 307 are so vague and indefinite as to render Section

305(a) invalid as in violation of the due process clause.

2. Whether the penalty in Section 310(b) is unconstitutional as in violation of the rights of freedom of speech and petition under the First Amendment.

3. If the preceding question be answered in the affirmative, whether the unconstitutionality of that prohibition in itself serves to invalidate Sections 305 and 308, despite the inclusion in the Act of a separability clause.

#### STATUTE INVOLVED

The full text of the Federal Regulation of Lobbying Act, 60 Stat. 812, 839, 2 U. S. C. 261-270, is set forth in Appendix B.

#### STATEMENT

An information in ten counts charging violations of the Federal Regulation of Lobbying Act was returned against defendants in the United States District Court for the District of Columbia. Counts one, eight, and nine, against defendants Moore, McDonald and Linder, respectively, were laid under Section 308 of the Act, and charged each such defendant with being a person who engaged himself for pay for the purpose of attempting to influence the passage of legislation relating to the price of farm commodities, without having registered as required by the statute. The other counts were laid under Section 305. Counts two to five, inclusive, against Moore, and counts six and seven against Harriss charged each of them with having

made various specified expenditures for the purpose principally of influencing, directly or indirectly, legislation bearing on the price of agricultural commodities, and failing to file the reports required by Section 305. Count 10 charged that the National Farm Committee, whose principal purpose was to influence, directly or indirectly, legislation relating to commodity prices, solicited and received specified sums of money for such purposes and failed to file the required reports.

The defendants moved to dismiss the information, contending that the statute was unconstitutionally vague and indefinite and an unconstitutional infringement of the rights guaranteed by the First Amendment.

The District Court granted the motion, adopting for this case the opinion of a three-judge court of the same district in *National Association of Manufacturers v. McGrath*, 103 F. Supp. 510, reversed on grounds of mootness, 344 U. S. 804. In that opinion, the District Court had held that the language of Section 307, making the disclosure requirements applicable to any person "whose principal purpose" was "to influence, directly or indirectly, the passage or defeat of any legislation", is so vague and indefinite as to be in violation of the Fifth Amendment; that the prohibition in Section 310(b) is repugnant to the constitutional guaranty of freedom of speech and of petition; that Sections 303 through 307 of the Act are unconstitutional for the additional reason that the penalty attached to



their violation by Section 310(b) contravenes the First Amendment.

The decision in the *N. A. M.* case had not passed upon the validity of Section 308. As to that section, the District Court in the instant case held that the invalidity of the penalty clause of Section 310(b), which applies to violations of Section 308, serves to invalidate Section 308 despite the separability clause in the statute.

#### THE QUESTIONS ARE SUBSTANTIAL

The decision below invalidates the entire Lobbying Act passed by Congress as part of its program for legislative reorganization. The holding that Section 305 is unconstitutionally indefinite, predicated on the opinion of the District Court in *National Association of Manufacturers v. McGrath*, 103 F. Supp. 510, reversed on ground of mootness, 344 U. S. 804, is based, not on the language of Section 305 itself, but on the language in Section 307 which is incorporated into Section 305, and which applies to Sections 304 and 306 as well. In addition, the decision below holds invalid Sections 308 and 310. Thus no operative section of the Lobbying Act has validity under the decision below.

That Act which, through its disclosure requirements, was designed to aid Congress in evaluating representations made to it by representatives of various pressure groups (see S. Reps. 1011 and 1400, 79th Cong., 2d sess.) advances an interest of vital importance to the proper functioning of representative government. The question whether the

District Court erred in holding the Act unconstitutional is thus clearly a substantial one.

1. We submit that the District Court erred in holding, in accordance with the *N. A. M.* decision, that Section 305 is unconstitutionally vague and indefinite because it applies to any person who receives contributions or expends money for the purpose of influencing, "directly or indirectly", the passage or defeat of federal legislation. The quoted clause, found too indefinite in the opinion adopted by the court below, gives clear warning to potential violators of the type of conduct which gives rise to the duty to report contributions and expenditures. Certainly as applied to the facts set forth in the information in this case, relating to expenditure or receipt of specified sums for the purpose of influencing legislation dealing with the specific subject of commodity prices, there can be no question but that the statute was sufficiently definite to warn these defendants of their duty to file reports.

The test of whether a statute is sufficiently definite to meet constitutional requirements is whether the statute adequately gives notice of the required conduct to one who would avoid its penalties. *Jordan v. De George*, 341 U. S. 223, 231-232; *Dennis v. United States*, 341 U. S. 494, 515 (opinion of Vinson, C. J.); *United States v. Hood*, 343 U. S. 148, 151; *United States v. Spector*, 343 U. S. 169. But "no more than a reasonable degree of certainty can be demanded", since "few words possess the precision of mathematical symbols." Accordingly,

“most statutes must deal with untold and unforeseen variations in factual situations, and the practical necessities of discharging the business of government inevitably limit the specificity with which legislators can spell out prohibitions.” *Boyce Motor Lines v. United States*, 342 U. S. 337, 340. The statute meets the constitutional test of “reasonable degree of certainty” even though “one who deliberately goes perilously close to an area of proscribed conduct [is required to] take the risk that he may cross the line.” *Id.* The boundaries of criminal statutes are rarely, if ever, marked with precise accuracy; and the presence of any difficult “border line” or “peripheral” case does not invalidate a statute where there is a hard core of circumstances to which the statute applies and as to which the ordinary person would have no doubt as to its application. *Jordan v. De George, supra*; *United States v. Wurzbach*, 280 U. S. 396, 399; *Nash v. United States*, 229 U. S. 373.

The fact that the Act requires a *purpose* or *intent* to influence legislation, furnishes further rebuttal of the argument that the Act is too vague. *Boyce Motor Lines v. United States*, 342 U. S. 337, 342; *Dennis v. United States*, 341 U. S. 494, 515-516 (opinion of Vinson, C. J.); *Williams v. United States*, 341 U. S. 97, 101-102; *Screws v. United States*, 325 U. S. 91, 101-103.

2. The decision below also adopted the holding of the *N. A. M.* case that Section 310(b), which prohibits convicted violators of the Act from lobbying for a three-year period, contravenes the First

Amendment. The short answer to this assertion is that if conviction of some offenses may forever deprive a person of his civil rights, and if conviction of some offenses may disqualify the offender from thereafter holding any office of honor, trust, or profit under the United States, then *a fortiori* lobbyists convicted of violating the Lobbying Act may, constitutionally, for a three-year period, be prohibited from lobbying.

3. The District Court did not hold that Section 308 is invalid in itself, but merely that both Sections 308 and 305 are rendered invalid by the fact that the penalty made applicable thereto by Section 310(b) is unconstitutional. This holding was clearly erroneous in the face of the separability clause which provides that "if any provision of this Act or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act and of the application of such provision to other persons and circumstances shall not be affected thereby."

Section 310(a) makes a violation of either Section 305 or 308 a misdemeanor, punishable by a fine of not more than \$5,000 or by imprisonment for not more than twelve months, or by both such fine and imprisonment. The prohibition in subsection (b) against acting as a lobbyist for three years after conviction on penalty of committing a felony is expressly stated to be in "addition to the penalties provided for in subsection (a)."

Thus if subsection 310(b) were eliminated from the statute, there would still be left a statute defin-

ing specific duties and providing a specific penalty for violation of any such duty. The elimination of the additional penalty in 310(b) in no way affects the construction of the Act or the nature of the duties proscribed thereby. It is difficult to conceive of a section which could be severed with less effect on the structure of the statute as a whole. Thus any possible invalidity in Section 310(b) does not invalidate either Section 305 or 308. See *Electric Bond & Share Co. v. Securities and Exchange Commission*, 303 U. S. 419, 433-437; *Watson v. Buck*, 313 U. S. 387, 395-397.

It is submitted that the decision of the District Court is erroneous and that the questions presented by this appeal are substantial ones which should be settled by the Supreme Court.

Respectfully submitted,

WALTER J. CUMMINGS, JR.,  
*Solicitor General.*

## APPENDIX A

UNITED STATES DISTRICT COURT FOR  
THE DISTRICT OF COLUMBIA

Criminal No. 1212-49

UNITED STATES OF AMERICA

v.

ROBERT M. HARRISS, RALPH W. MOORE, JAMES E.  
MCDONALD, TOM LINDER, AND NATIONAL FARM  
COMMITTEE, DEFENDANTS

## OPINION

Benjamin F. Pollock, Esq., of Washington, D. C.,  
for the United States.

Burton K. Wheeler, Esq., Edward K. Wheeler,  
Esq., and George J. Hirmon, Esq., all of Washing-  
ton, D. C., for the defendant Robert M. Harriss.

William E. Leahy, Esq., and Ben I. Melnicoff,  
Esq., both of Washington, D. C., for the defendants  
Ralph W. Moore and National Farm Committee.

Hugh Howell, Esq., and Victor Davidson, Esq.,  
both of Atlanta, Georgia, for the defendant Tom  
Linder.

In the case of *National Association of Manufactur-  
ers v. McGrath*, 103 F. Supp. 510, a Three-Judge  
Court of this district held that Section 305 of the  
Regulation of Lobbying Act was unconstitutional,  
U. S. Code, Title 2, Chapter 8A, Section 264.

This conclusion was based on two grounds. First,  
that the definition of the offense, as contained in  
the statute, was too indefinite to comply with the  
requirement of constitutional law, and the due

process clause particularly, that a criminal statute must define a crime with sufficient precision to apprise persons as to what would constitute a violation.

The second ground was that the penalty prescribed by the statute was unconstitutional in that, in addition to a fine or imprisonment, or both, it proscribed any person convicted under the statute from attempting to influence the passage or defeat of legislation for a period of three years. The Court held that this provision was a violation of the constitutional rights of every citizen to petition Congress.

The penalty provision of the Act is applicable not only to violations of section 305, but also to violations of section 308, which may well be severed under the separability clause. To repeat, the penalty, however, applies to both aspects of this statute.

The Court does not agree that the separability clause goes far enough to make it possible to cut the penalty clause in two. In fact, if the present contention now advanced by the Government were correct, then the decision in the National Association of Manufacturers case was erroneous insofar as this ground of the decision was concerned. The Court feels that that case is not at least *stare decisis*, if not *res judicata*.

To be sure, the judgment in that case was set aside and the complaint dismissed by the Supreme Court, but merely on the ground that the case had become moot during the progress of the litigation, 344 U.S. 804. The Court did not either affirm or reverse the decision of this Court holding this statute unconstitutional, but merely failed to pass



on this point. It may well be that the judgment in that case, as I stated before, is not *res judicata*, but the opinion is *stare decisis*, and will be followed by the Court.

The Court, therefore, is constrained to reach the conclusion, first, that the two penalty clauses of the Act cannot be severed, but constitute a single penalty; and, second, that since it applies to section 308, as well as to section 305, and since the penalty clause is unconstitutional, section 308 must be deemed unconstitutional as well as section 305.

On this ground the motion to dismiss the information is granted.

The Court wishes to thank all counsel on both sides for the great assistance that has been rendered by them, not only by the oral discussion but by the very able memoranda that have been filed here by all parties.

(s) ALEXANDER HOLTZOFF,  
*United States District Judge.*

January 30, 1953.

## APPENDIX B

LEGISLATIVE REORGANIZATION ACT OF  
1946

1. Title III—Regulation of Lobbying Act (60 Stat. 812, 839; 2 U.S.C. 261-270)

## SHORT TITLE

SEC. 301. This title may be cited as the "Federal Regulation of Lobbying Act".

## DEFINITIONS

SEC. 302. When used in this title—

(a) The term "contribution" includes a gift, subscription, loan, advance, or deposit of money or anything of value and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution.

(b) The term "expenditure" includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure.

(c) The term "person" includes an individual, partnership, committee, association, corporation, and any other organization or group of persons.

(d) The term "Clerk" means the Clerk of the House of Representatives of the United States.

(e) The term "legislation" means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House.

## DETAILED ACCOUNTS OF CONTRIBUTIONS

SEC. 303. (a) It shall be the duty of every person who shall in any manner solicit or receive a contribution to any organization or fund for the purposes hereinafter designated to keep a detailed and exact account of—

(1) all contributions of any amount or of any value whatsoever;

(2) the name and address of every person making any such contribution of \$500 or more and the date thereof;

(3) all expenditures made by or on behalf of such organization or funds; and

(4) the name and address of every person to whom any such expenditure is made and the date thereof.

(b) It shall be the duty of such person to obtain and keep a receipted bill, stating the particulars, for every expenditure of such funds exceeding \$10 in amount, and to preserve all receipted bills and accounts required to be kept by this section for a period of at least two years from the date of the filing of the statement containing such items.

## RECEIPTS FOR CONTRIBUTIONS

SEC. 304. Every individual who receives a contribution of \$500 or more for any of the purposes hereinafter designated shall within five days after receipt thereof rendered to the person or organization for which such contribution was received a detailed account thereof, including the name and address of the person making such contribution and the date on which received.

## STATEMENTS TO BE FILED WITH CLERK OF HOUSE

SEC. 305. (a) Every person receiving any contributions or expending any money for the purposes designated in subparagraph (a) or (b) of section 307 shall file with the Clerk between the first and tenth day of each calendar quarter, a statement containing complete as of the day next preceding the date of filing—

(1) the name and address of each person who has made a contribution of \$500 or more not mentioned in the preceding report; except that the first report filed pursuant to this title shall contain the name and address of each person who has made any contribution of \$500 or more to such person since the effective date of this title;

(2) the total sum of the contributions made to or for such person during the calendar year and not stated under paragraph (1);

(3) the total sum of all contributions made to or for such person during the calendar year;

(4) the name and address of each person to whom an expenditure in one or more items of the aggregate amount or value, within the calendar year, of \$10 or more has been made by or on behalf of such person, and the amount, date, and purpose of such expenditure;

(5) the total sum of all expenditures made by or on behalf of such person during the calendar year and not stated under paragraph (4);

(6) the total sum of expenditures made by or on behalf of such person during the calendar year.

(b) The statements required to be filed by subsection (a) shall be cumulative during the calendar year to which they relate, but where there has been no change in an item reported in a previous statement only the amount need be carried forward.

#### STATEMENT PRESERVED FOR TWO YEARS

SEC. 306. A statement required by this title to be filed with the Clerk—

(a) shall be deemed properly filed when deposited in an established post office within the prescribed time, duly stamped, registered, and directed to the Clerk of the House of Representatives of the United States, Washington, District of Columbia, but in the event it is not received, a duplicate of such statement shall be promptly filed upon notice by the Clerk of its nonreceipt;

(b) shall be preserved by the Clerk for a period of two years from the date of filing, shall constitute part of the public records of this office, and shall be open to public inspection.

#### PERSONS TO WHOM APPLICABLE

SEC. 307. The provisions of this title shall apply to any person (except a political committee as defined in the Federal Corrupt Practices Act, and duly organized State or local committees of a political party), who by himself, or through any agent or employee or other persons in any manner whatsoever, directly or indirectly, solicits, collects, or receives money or any other thing of value to be used principally to aid, or the principal purpose of which

person is to aid, in the accomplishment of any of the following purposes:

(a) The passage or defeat of any legislation by the Congress of the United States.

(b) To influence, directly or indirectly, the passage or defeat of any legislation by the Congress of the United States.

#### REGISTRATION WITH SECRETARY OF THE SENATE AND CLERK OF THE HOUSE

SEC. 308. (a) Any person who shall engage himself for pay or for any consideration for the purpose of attempting to influence the passage or defeat of any legislation by the Congress of the United States shall, before doing anything in furtherance of such object, register with the Clerk of the House of Representatives and the Secretary of the Senate and shall give to those officers in writing and under oath, his name and business address, the name and address of the person by whom he is employed, and in whose interest he appears or works, the duration of such employment, how much he is paid and is to receive, by whom he is paid or is to be paid, how much he is to be paid for expenses, and what expenses are to be included. Each such person so registering shall, between the first and tenth day of each calendar quarter, so long as his activity continues, file with the Clerk and Secretary a detailed report under oath of all money received and expended by him during the preceding calendar quarter in carrying on his work; to whom paid; for what purposes; and the names of any papers, periodicals, magazines, or other publications in which he has caused to be published any articles or edito-

rials; and the proposed legislation he is employed to support or oppose. The provisions of this section shall not apply to any person who merely appears before a committee of the Congress of the United States in support of or opposition to legislation; nor to any public official acting in his official capacity; nor in the case of any newspaper or other regularly published periodical (including any individual who owns, publishes, or is employed by any such newspaper or periodical) which in the ordinary course of business publishes news items, editorials, or other comments, or paid advertisements, which directly or indirectly urge the passage or defeat of legislation, if such newspaper, periodical, or individual, engages in no further or other activities in connection with the passage or defeat of such legislation, other than to appear before a committee of the Congress of the United States in support of or in opposition to such legislation.

(b) All information required to be filed under the provisions of this section with the Clerk of the House of Representatives and the Secretary of the Senate shall be compiled by said Clerk and Secretary, acting jointly, as soon as practicable after the close of the calendar quarter with respect to which such information is filed and shall be printed in the Congressional Record.

#### REPORTS AND STATEMENTS TO BE MADE UNDER OATH

SEC. 309. All reports and statements required under this title shall be made under oath, before an officer authorized by law to administer oaths.



## PENALTIES

SEC. 310. (a) Any person who violates any of the provisions of this title, shall, upon conviction, be guilty of a misdemeanor, and shall be punished by a fine of not more than \$5,000 or imprisonment for not more than twelve months, or by both such fine and imprisonment.

(b) In addition to the penalties provided for in subsection (a), any person convicted of the misdemeanor specified therein is prohibited, for a period of three years from the date of such conviction, from attempting to influence, directly or indirectly, the passage or defeat of any proposed legislation or from appearing before a committee of the Congress in support of or opposition to proposed legislation; and any person who violates any provision of this subsection shall, upon conviction thereof, be guilty of a felony, and shall be punished by a fine of not more than \$10,000, or imprisonment for not more than five years, or by both such fine and imprisonment.

## EXEMPTION

SEC. 311. The provisions of this title shall not apply to practices or activities regulated by the Federal Corrupt Practices Act nor be construed as repealing any portion of said Federal Corrupt Practices Act.

## 2. Separability Clause (60 Stat. 812, 814)

SEC. 1 (b) *Separability Clause*. If any provision of this Act or the application thereof to any

person or circumstances is held invalid, the validity of the remainder of the Act and of the application of such provision to other persons and circumstances shall not be affected thereby.